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COUNTY AND COMMERCIAL PRINTERS

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FORT WAYNE, INDIANA

FRONT

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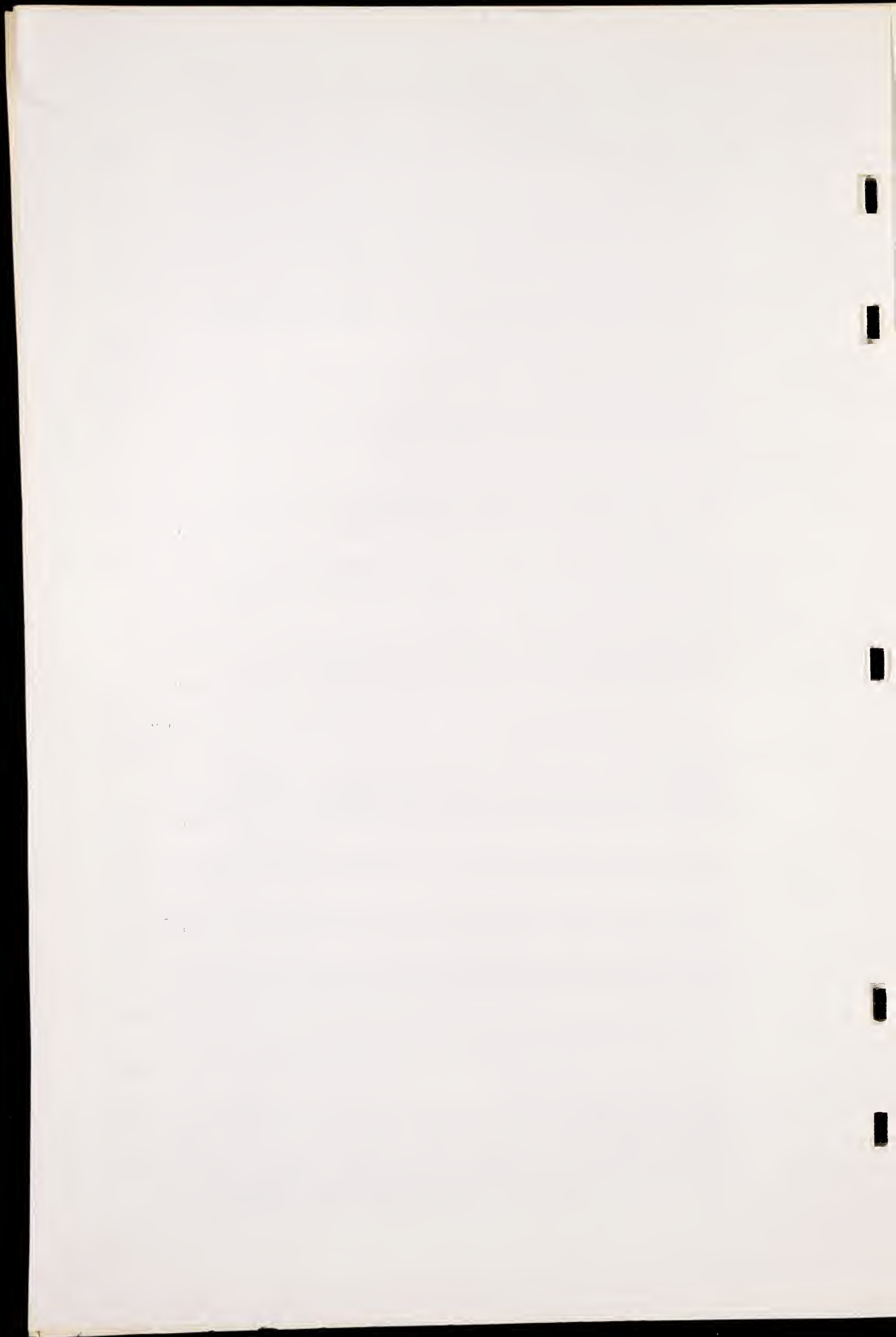
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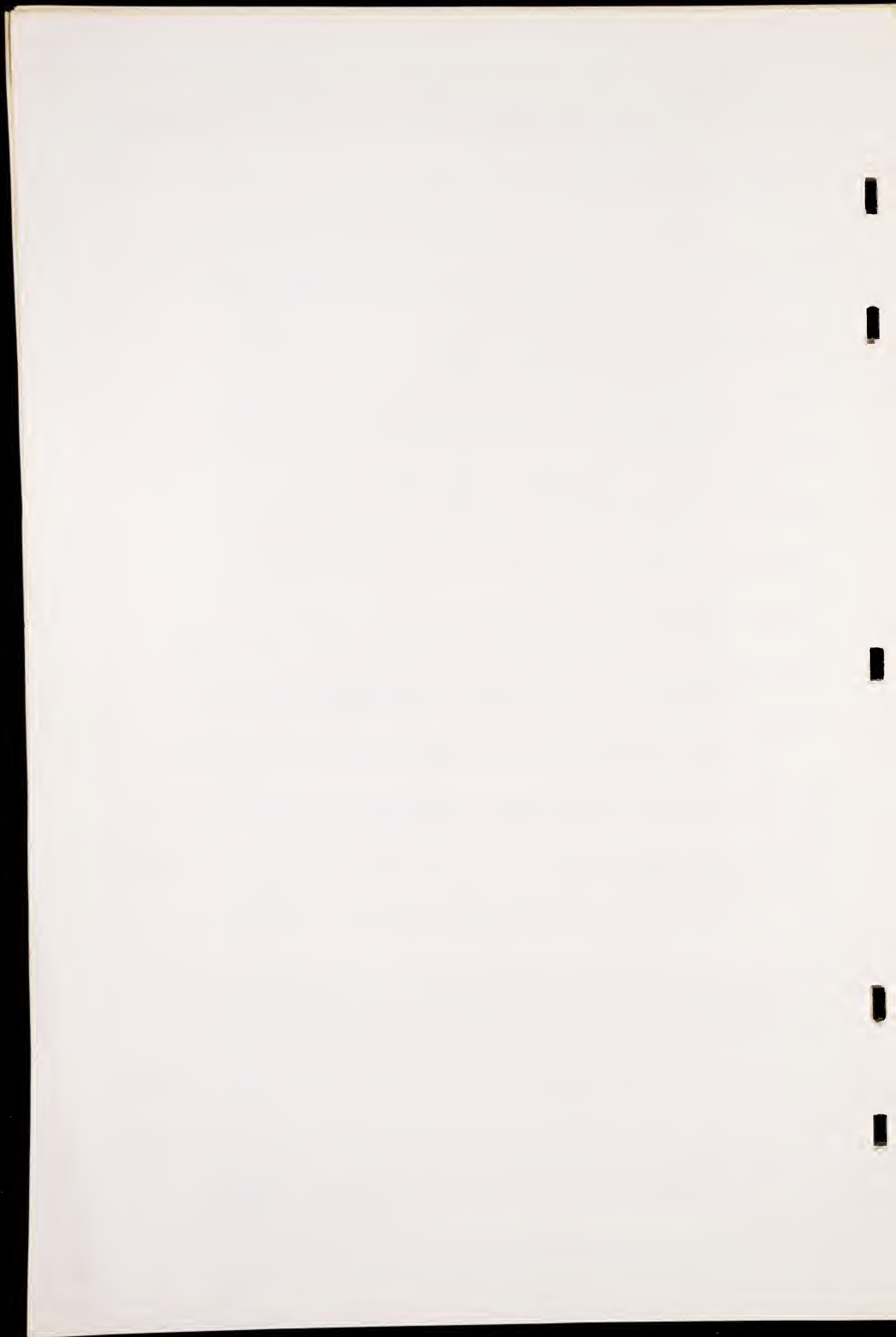
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BILL NO. S-81-10-02

SPECIAL ORDINANCE NO. S-216-81

AN ORDINANCE to provide an alternative dumpster method of solid waste collection for multi-family units in the City of Fort Wayne and to establish a credit to be paid by the City of Fort Wayne for those multi-family units utilizing said alternative method in lieu of utilizing the solid waste collection services rendered by the City of Fort Wayne for other residences

WHEREAS, it is the intent of the Common Council of the City of Fort Wayne to furnish to multi-family residential living units within the legal boundaries of the City on an alternative dumpster method of solid waste collection service. The owner of such multifamily residential complexes (3 living units or more) may place garbage, rubbish, household rubbish and solid wastes in a dumpster or sanitainer, and may select a Board of Public Works approved hauler to remove such garbage, rubbish, household rubbish and solid wastes at least once a week; and

WHEREAS, it is the further intent of the City of Fort Wayne to allow and pay to such approved hauler, who contracts with an owner electing to utilize such dumpster service, a credit to apply to the costs of such dumpster service where same is elected by the owner of such multifamily units in lieu of the solid waste collection service otherwise provided by the City of Fort Wayne for residential units; and

WHEREAS, it is the further intent of the City of Fort Wayne to assure that said solid waste is transported only by approved haulers utilizing safe and sanitary equipment, maintaining adequate insurance coverages, and dumping only in approved sites.

SECTION 1. The owner of a multi-family unit consisting of three (3) or more living units in a single complex shall have the option to dispose of the solid waste materials generated by the residents of said units by contracting for the disposal thereof with an approved hauler in lieu of utilizing the solid waste disposal collection services otherwise provided by the City of Fort Wayne, subject to the conditions and terms of this Ordinance.

SECTION 2. The hauler providing said service to such multi-family units must first be approved by the Board of Public Works as such hauler and in order to secure such approval must meet the requirements of said Board of Public Works and shall submit to said Board of Public Works at least the following information and documentation.

- A. The proposed hauler shall submit to the Board of Public Works a detailed listing and description for all equipment it proposes to utilize. All such equipment must be in a safe condition for operation on the streets of the City of Fort Wayne, must be of a non-leakable type and must be so constructed that the solid waste materials being transported are covered at all times.
- B. The proposed hauler shall further submit to the Board of Public Works copies of all its insurance policies covering the operation of such equipment and including all property and personal liability coverage. Said insurance shall be in such amounts and coverages as said Board of Public Works shall deem reasonably necessary to provide adequate insurance for the City of Fort Wayne and the public in general.
- C. The proposed hauler shall also submit to the Board of Public Works a written contract for each multi-family solid waste disposal service it intends to render in the City of Fort Wayne and for which it intends to seek the credit hereinafter established and to be paid by the City of Fort Wayne. Said contracts must be signed by the hauler and the owner of the multi-family units, must designate the number of units to be serviced, must provide for a minimum of once a week service, must provide for a disposal only in sites and by methods approved by said Board of Public Works, and must provide that the residents of said units shall place their garbage, rubbish, and solid waste materials in a dumpster or sanitainer and not in individual garbage cans or containers.

SECTION 3. The City of Fort Wayne shall pay to such approved hauler a residential unit fee computed as hereinafter set forth as to those units to be serviced pursuant to such contract as said Board of Public Works shall have approved.

An approved hauler seeking payment from the City of Fort Wayne shall submit a claim therefore upon forms prescribed by the Board of Public Works on a quarterly basis for such services actually rendered in the preceeding quarter. Quarterly claims shall be submitted on March 31, June 30, August 31, and December 31 of each year.

The said fee shall be computed on the basis of occupied units as follows:

- A. If the multi-family unit is at least 85% occupied then 100% of the units located in such complex shall be considered a receiving service.
- B. If at least 75% of the residential units located in such complex are occupied then 85% of the units located in such complex shall be considered as receiving service.
- C. If the multi-family unit is at least 65% occupied then 75% of the units located in such complex shall be considered a receiving service.
- D. If at least 55% of the residential units located in such complex are occupied then 65% of the units located in such complex shall be considered as receiving service.

The amount of the per occupied residential unit fee shall be the sum of \$14.11 per year for the first twelve (12) months of an approved contract and shall thereafter be adjusted up or down on an annual basis by 80% of the percentage change in the C.P.I. (Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Statistics, for "all items" in the U.S. City Average" Category) for the prior twelve (12) month period from the date of execution of the approved contract or its annual anniversary date thereafter.

SECTION 4. In the event an approved service contract is cancelled or teminates at any time subsequent to such approval, then the owner of the multi-family unit covered and the approved hauler shall give immediate notification in writing to the Board of Public Works specifying the date of cancellation or termination.

SECTION 5. WAIVER OF OTHER SERVICE

Before the City shall recognize any such multi-family service contracts and pay any funds to a hauler, the owner of such multi-family units shall give written notice to the Board of Public Works that said owner waives all right for itself and the residents of said multi-family units to have solid waste collection service other than pursuant to the proposed multi-family alternate dumpster service contract.

SECTION 6. In no event shall any fee be paid hereunder for services other than those actually performed and in accordance with the terms hereof.

SECTION 7. That this ordinance shall be in full force and effect upon passage by the Common Council and approved by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-216-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-17

SPECIAL ORDINANCE NO. S-218-81

AN ORDINANCE AUTHORIZING THE CITY
OF FORT WAYNE, TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE
BONDS, SERIES 1981 (PRT CORP. PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT
THERE TO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of PRT Corp. regarding the financing of proposed economic development facilities consisting of acquisition of an existing manufacturing facility and equipment located in Fort Wayne, Indiana, and the City Plan Commission has commented favorable thereof; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on September 17, 1981, and also adopted a Resolution on said date, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities as described in the project complies with the purposes and provisions of I.C. 36-7-12 (formerly I.C. 18-6-4.5), and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including: Bond Purchase Agreement and Trust Indenture, Loan Agreement, Mortgage and Security Agreement, Collateral Assignment of Lease and Rentals, Lessee's Consent and Agreement to Lease Assignment, and Lease to Flashfold Carton, Inc., and Series 1981 Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA: THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to the applicant for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the applicant under the Loan Agreement, and the securing of said bonds by such facilities under the financing documents complies with the purposes and provisions of I.C. 36-7-12 (formerly I.C. 18-6-4.5), and will be of benefit to the health and welfare of the City of Fort Wayne, Indiana and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12 (formerly I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1981, PRT Corp. Project, in the total principal amount of \$1,600,000.00, payable with interest at 70% of the prime commercial lending rate of the Lincoln National Bank and Trust Company of Fort Wayne, through September 1986, and at 75% of the prime commercial lending rate of said bank from October 1, 1986 through October 1, 1991, for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the financing documents incorporated

herein by reference which bonds will be payable as to principal, premium, if any, and interest from the note payments made by the applicant under the Loan Agreement and Note or as otherwise provided in the financing documents. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana.

SECTION 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest per annum on the bonds not less than that provided therein, and at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the financing agreement herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the the Trustee named in the Loan Agreement, payment for which will be made to said Trustee and delivered by the Trustee to the purchasers thereof.

SECTION 6. The provisions of this Ordinance and the financing documents securing the bonds shall constitute a contract binding between the City of Fort Wayne, Indiana, and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1981, PRT Corp. Project, and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-218-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$920,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (ALLEN COUNTY AGGREGATES, INC. PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO ALLEN COUNTY AGGREGATES, INC. TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY: PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS: AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS: AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12, is authorized and empowered among other things (a) to make a loan for the acquisition, construction and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$920,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12.

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"Act" means Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12, and amendments and supplements thereto such as are hereafter adopted.

"Agreement" or "Loan Agreement" means the Loan Agreement dated as of October 1, 1981 between the Issuer and the Company, and any permitted amendments or supplements thereto.

"Bonds" means the Bonds authorized in Section 3 hereof, including any Bond issued in exchange therefor as provided in the Indenture.

"Bond Fund" means the Bond principal, premium and interest fund created by Section 8 hereof.

24 "Bondholder" or "Holder" means, initially, the
 25 Original Purchaser, and any subsequent bearer of a coupon Bond
 26 which is not registered as to principal or the principal of
 27 which is registered to bearer, or the person in whose name a
 28 registered Bond is registered; provided that, solely as used in
 29 the definitions of "Determination of Taxability" and "Event of
 30 Taxability", the term "Bondholder" also includes the owner of
 31 an undivided participation interest in any Bond.

32 "Bond Legislation" means this ordinance.

1 "Bond Purchase Agreement" means the Bond Purchase
 2 Agreement dated as of October 1, 1981 among the Issuer, the
 3 Trustee, the Company and the Original Purchaser, and any
 4 permitted amendments or supplements thereto.

5 "Bond Service Charges" for any time period means the
 6 principal, including any amortization or redemption requirements,
 7 interest, and redemption premium, if any, required to be paid
 8 by the Issuer on the Bonds for such time period. Any "late
 9 charge" and any payment required to be made on the Bonds with
 10 interest at the Interest Rate for Advances shall also constitute
 11 a Bond Service Charge.

12 "Code" means the Internal Revenue Code of 1954, as
 13 amended, and regulations promulgated thereunder.

14 "Company" means Allen County Aggregates, Inc., an
 15 Indiana corporation, and its successors and assigns, including
 16 any surviving, resulting or transferee entity as provided in
 17 Section 5.14 of the Agreement.

18 "Completion Date" means the date of completion of the
 19 acquisition, installation and construction of the Project as
 20 that date shall be certified as provided in Section 3.5 of the
 21 Agreement.

22 "Construction Fund" means the fund created by Section
 23 7 hereof.

24 "Coupon" or "Interest Coupon" means a coupon issued
 25 hereunder evidencing an installment of interest on a coupon
 26 Bond.

27 "Coupon Bond Registered as to Principal" means any
 28 coupon Bond at the time registered as to principal in the name
 29 of the Bondholder.

30 "Determination of Taxability" means (i) the filing by
 31 the Company or any other person or entity of any statement,
 32 supplemental statement or other tax schedule, return or document

1 (whether pursuant to Treasury Regulations §1.103-10(b)(2)(vi)(c)
 2 or otherwise) which discloses that an Event of Taxability has
 3 occurred, or (ii) the final assertion by the Internal Revenue
 4 Service or any agent thereof to the effect that interest on the
 5 Bonds is includable in the gross income for federal income tax
 6 purposes of any Holder (other than a Holder who is a "substantial
 7 user" of the Project or a "related person", as those terms are
 8 used in Section 103 of the Code) or (iii) the final adoption of

9 legislation or regulations or a final determination, decision,
 10 decree or ruling of any judicial or administrative authority
 11 which has the effect of requiring interest on the Bond to be
 12 included in the gross income for Federal income tax purposes of
 13 any Holder (other than a Holder who is a "substantial user" of
 14 the Project or a "related person", as those terms are used in
 15 Section 103 of the Code). For purposes of clause (iii) in the
 16 preceding sentence, a decision, decree or ruling by any judicial
 17 or administrative authority shall be considered final upon the
 18 expiration or waiver of all periods for judicial review or
 19 appeal, as the case may be.

20 "Eligible Investments" means (i) any bonds or other
 21 direct obligations of the United States of America; (ii)
 22 obligations of the Federal National Mortgage Association or the
 23 Government National Mortgage Association; (iii) obligations of
 24 the Federal Intermediate Credit Banks; (iv) obligations of
 25 Federal Banks for Cooperatives; (v) obligations of Federal Land
 26 Banks; (vi) obligations of the Federal Financing Bank; (vii)
 27 bank repurchase agreements issued by a Federal Reserve member
 28 bank, including the Trustee, fully secured by obligations of
 29 any of the kinds specified in clauses (i) through (vi) above;
 30 (viii) time deposits, certificates of deposit, documented
 31 discount notes secured by stand-by letters of credit, bank
 32 reverse repurchase agreements or bankers acceptances of banks

1 or trust companies, including the Trustee, organized under the
 2 laws of the United States of America or any state thereof,
 3 which have combined capital and earned and unearned surplus of
 4 at least \$25,000,000 in dollars of the United States of America;
 5 (ix) commercial paper or finance company paper which is rated
 6 not less than prime-one or A-1 or their equivalents by Moody's
 7 Investors Service, Inc., or Standard & Poor's Corporation,
 8 respectively, or their successors, or both, if rated by both;
 9 or (x) obligations, of any state of the United States of America
 10 or of any political subdivision or other instrumentality of any
 11 such state, which are rated at least "A" or its equivalent by
 12 either Moody's Investors Service, Inc., or Standard & Poor's
 13 Corporation, or their successors, or both, if rated by both.

14 "Event of Taxability" means the occurrence of
 15 circumstances which a Determination of Taxability shall have
 16 found to have occurred, or which shall constitute a Determination
 17 of Taxability, and which results in the interest payable on the
 18 Bond becoming includable in the gross income for Federal income
 19 tax purposes of any Bondholder (other than a Bondholder who is
 20 a "substantial user" of the Project or a "related person" as
 21 those terms are used in Section 103 of the Code), such occur-
 22 rence of circumstances relating to a specific point in time.
 23 Without limiting the generality of the foregoing, the incurring
 24 of capital expenditures in excess of those permitted under
 25 Section 103(b)(6)(D) of the Code, thereby causing any interest
 26 payable on the Bond to be includable in the gross income of any
 27 Bondholder under the Code, shall constitute an Event of Taxabil-
 28 ity.

29 "Executive" means the Mayor of the Issuer.

30 "Final Maturity Date" means October 1, 2001.

31 "Fiscal Officer" means the Treasurer of the Issuer.

32 "Indenture" means the Trust Indenture dated as of

October 1, 1981, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"Issuing Authority" means the Common Council of the Issuer.

"Interest Payment Date" means the first day of each October and April, commencing April 1, 1982 and continuing semi-annually thereafter.

"Interest Rate for Advances" means the annual rate of interest which is equal to twenty-one percent (21%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"Legal Officer" means the City Attorney of the Issuer.

"Mandatory Redemption Date" means October 1 of each year, beginning October 1, 1982.

"Mandatory Sinking Fund Requirements" means amounts required by the Bond Legislation to be deposited in the Bond Fund for the purpose of retiring, on a specified date, principal maturities of Bonds which by their terms are due and payable, if not called for prior redemption, at a subsequent date.

"Mortgage" means the Mortgage and Security Agreement dated as of October 1, 1981, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"Note" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"Note Payments" means any and all payments of principal of and interest, and prepayment premiums or

Additional Payments, if any, on the Note.

"Original Principal Sum" means \$920,000, the aggregate original face amount of the Bonds.

"Original Purchaser" means The Cincinnati Insurance Company, an Ohio corporation (as to the Bonds maturing October 1, 2001), and Rex Roof, an individual (as to the Bonds maturing October 1, 1986), collectively.

"Outstanding Bond" or "Bond outstanding" or "outstanding" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for the payment, redemption or purchase for cancellation of which sufficient moneys have been deposited prior to such date with the Trustee (whether upon or prior to the Final Maturity Date or the redemption date of any such Bond), or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

27 (c) Any Bond in lieu of which another has been
28 authenticated (or payment, when due, of which is made without
29 replacement) under Section 2.04 of the Indenture:

30 and also except that

31 (d) For the purpose of determining whether the
32 holders of the requisite principal amount of Bonds have made

1 or concurred in any notice, request, demand, direction, consent,
2 approval, order, waiver, acceptance, appointment or other
3 instrument or communication under or pursuant to this Indenture,
4 Bonds owned by or for the account of the Company or any person
5 owned, controlled by, under common control with or controlling
6 the Company shall be disregarded and deemed to be not outstanding.
7 The term "control" (including the terms "controlling", "controlled
8 by" and "under common control with") means the possession,
9 directly or indirectly, of the power to direct or cause the
10 direction of the management and policies of a person, whether
11 through the ownership of voting securities, by contract, or
12 otherwise. Beneficial ownership of 5% of more of a class of
13 securities having general voting power to elect a majority of
14 the board of directors of a corporation shall be conclusive
15 evidence of control of such corporation.

16 "Payment in Full of the Bonds" means the first date
17 when the Bonds are no longer deemed to be outstanding pursuant
18 to Section 8.02 of the Indenture.

19 "Person" means natural persons, firms, associations,
20 corporations and public bodies.

21 "Pledged Receipts" means (a) the Note Payments, (b)
22 subject to the provisions of Sections 3.04, 4.02 and 8.02 of
23 the Indenture with respect to the Trustee holding moneys for
24 the benefit of any Bondholder, all other moneys received by the
25 Issuer, or the Trustee for the account of the Issuer, in
26 respect of the Agreement or the Project, except certain expense,
27 reimbursement and indemnity payments which are, pursuant to the
28 provisions of the Agreement, to be made by the Company directly
29 to the Issuer or the Trustee, (c) any moneys on deposit in the
30 Construction Fund, the Bond Fund or the Reserve Fund and (d)
31 the income and profit from the investment of any moneys while
32 held in the Construction Fund, the Bond Fund or the Reserve Fund.

1 "Project" means the Project Site and the real,
2 personal, or real and personal property, including undivided
3 interests or other interests therein, identified in Exhibit A
4 to the Agreement, or acquired, constructed or installed as a
5 replacement or substitution therefor or an addition thereto, or
6 as may result from a revision of the plans and specifications
7 therefor in accordance with the provision of the Loan Agreement
8 or Mortgage.

9 "Project Site" means the real estate and interests in
10 real estate constituting the site of and part of the Project,
11 as described in Exhibit B to the Agreement.

12 "Registered Bonds" means Bonds registered in the name
13 of the holder, including coupon Bonds registered as to
14 principal (except to bearer) and fully registered Bonds; and
15 "fully registered Bonds" means Bonds without coupons registered
16 as to both principal and interest.

17 "Reserve Fund" means the Reserve Fund created in
18 Section 8(a) hereof.

19 "Reserve Fund Payment" means as to the Bonds, the
20 amount payable by the Borrower to the Trustee, as determined by
21 Section 4.1(d) of the Loan Agreement, which amount shall be
22 deposited in the Reserve Fund and used by the Trustee as
23 provided herein.

24 "State" means the State of Indiana.

25 "Taxable Rate of Interest" means the Interest Rate for
26 Advances.

27 "Trustee" means the Trustee at the time acting as such
28 under the Indenture, originally Indiana Bank and Trust Company
29 of Fort Wayne, as Trustee, and any successor Trustee as
30 determined or designated under or pursuant to the Indenture.

31 Any reference herein to the Issuer, the Issuing
32 Authority, or to any officer or official thereof, shall include

1 those succeeding to their respective functions, duties or
2 responsibilities pursuant to or by operation of law or who are
3 lawfully performing such functions. Any reference herein to
4 any other person or entity shall include his or its respective
5 successors and assigns. Any reference to a section or provision
6 of the Code, the Act or to a section, provision or chapter of
7 the Indiana Code shall include such section or provision or
8 chapter as from time to time amended, modified, revised,
9 supplemented, or superseded; provided, however, that no such
10 change shall alter the obligation to pay the Bond Service Charges
11 in the amounts and manner, at the times, and from the sources
12 provided in this Bond Legislation and the Indenture, except as
13 otherwise herein permitted, or shall be deemed applicable by
14 reason of this provision if such change would in any way
15 constitute an impairment of the rights of the Issuer or the
16 Company under the Agreement.

17 Unless the context shall otherwise indicate, words
18 importing the singular number shall include the plural number,
19 and vice versa, any pronoun shall be deemed to cover all genders,
20 and the terms "herein", "hereof", "hereby", "hereto", "hereunder",
21 and similar terms, mean this Bond Legislation and the Indenture
22 and not solely the portion hereof in which any such word is used.

23 Section 2. Determination of Issuing Authority.

24 Pursuant to the Act, the Issuing Authority hereby finds and
25 determines that the Project is an "economic development facility"
26 as defined in the Act and that all actions required under the
27 Act to be taken by the Issuer, the County of Allen, Indiana, the
28 Trustee and the Company prior to the issuance of the Bonds have
29 been duly authorized and completed.

30 Section 3. Authorization of Bonds. It is hereby
31 determined to be necessary to, and the Issuer shall, issue,
32 sell and deliver, as provided herein and pursuant to the

1 authority of the Act, the Bonds in the aggregate principal
2 amount of \$920,000 for the purpose of financing costs of
3 acquiring, constructing and installing the Project, including
4 costs incidental thereto and of the financing thereof, all in
5 accordance with the provisions of the Loan Agreement and the
6 Bond Purchase Agreement. The Bonds shall be designated
7 "Economic Development First Mortgage Revenue Bonds (Allen
8 County Aggregates, Inc. Project)".

9 Section 4. Terms of Bonds. The Bonds shall
10 initially be issued in coupon or fully registered form, or
11 both, as may be requested by the Original Purchaser thereof,
12 shall be exchangeable for fully registered or coupon Bonds in
13 the manner and on the terms provided in the Indenture, shall be
14 numbered from 1 upwards, in the case of coupon Bonds, and from
15 R-1 upwards, in the case of fully registered Bonds, and shall
16 be in substantially the forms set forth therefor in the
17 Indenture.

18 Bonds in coupon form shall be in the denomination of
19 \$5,000 each, shall be registrable as to principal, and shall be
20 dated as of October 1, 1981. Bonds in fully registered form
21 shall be in the denominations of \$5,000 and any multiple
22 thereof, and shall be of a single maturity of the same series;
23 provided that the Fiscal Officer with the approval of the
24 Trustee may authorize issuance of one or more fully registered
25 Bonds representing more than one maturity of the same series
26 with appropriate changes in the form of such a Bond to cover
27 more than one maturity, such approval and authorization to be
28 evidenced as provided in the Indenture.

29 East Bond in fully registered form shall be dated as
30 of the date of its delivery or exchange; provided that if at
31 the time of authentication of any fully registered Bond
32 interest is in default thereon, such Bond shall be dated as of

1 the date to which interest has been paid, and that if fully
2 registered Bonds are initially delivered to the Original
3 Purchaser (or any of them), such fully registered Bonds shall
4 be dated as of October 1, 1981.

5 The Bonds being delivered to The Cincinnati Insurance
6 Company, as Original Purchaser, aggregating \$900,000 in
7 principal amount, mature October 1, 2001 and shall bear interest
8 from their respective dates at a fixed rate of twelve percent
9 (12%) per annum, and the Bonds being delivered to Rex Roof, as
10 Original Purchaser, aggregating \$20,000 in principal amount,
11 mature October 1, 1986 and shall bear interest from their
12 respective dates at a fixed rate of twelve percent (12%) per
13 annum as set forth in the following table. Interest on the
14 Bonds shall be payable semiannually on April 1 and October 1 of
15 each year, beginning April 1, 1982. Upon any transfer and
16 surrender of the Bond in accordance with the provisions of the
17 Indenture, the Issuer shall execute and deliver a new Bond in
18 exchange therefor as provided in the Indenture.

19 Bonds maturing October 1, 2001, are subject to
20 mandatory sinking fund redemption, by lot, without action by
21 the Issuer, on October 1, 1982, and on each October 1 thereafter
22 to and including October 1, 2000, in the principal amount of
23 \$45,000 each year, at 100% of such principal amount, plus accrued
24 interest to the redemption date.

The Bonds maturing October 1, 2001 are also subject to original redemption, in whole or in part by lot, prior to maturity by the Issuer at the direction of the Company on October 1, 1991, or on any Interest Payment Date thereafter, in the event of exercise by the Company of its option to prepay the Note in full or in part as provided by the first paragraph of Section 6.1 of the Loan Agreement at the redemption prices (expressed as percentages of the principal amounts thereof) set

forth below, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such paragraph:

<u>Year</u>	<u>Principal Amount Due</u>	<u>Interest Rate(s)</u>	<u>Optional Redemption Price Commencing October 1</u>
1986	\$20,000	12%	
1991			106%
1992			105-1/2%
1993			105%
1994			104-1/2%
1995			104%
1996			103-1/2%
1997			103%
1998			102-1/2%
1999			102%
2000			101-1/2%
2001	900,000	12%	

The Bonds are also subject to optional redemption, in whole or in part, by lot, in the event of the exercise by the Company of its options to prepay the Note in whole or in part as provided by the fifth paragraph of Section 6.1 of the Loan Agreement, at a redemption price of 100% of principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date.

The Bonds shall also be callable for redemption in whole or in part by lot, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Section 6.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date; provided that upon any call for redemption of the Bonds due

to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a) (i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds to the redemption date.

13 The obligation of the Issuer to make monthly payments
14 of principal and interest on the principal amount of the Bonds
15 which remains outstanding after any partial redemption shall
16 not be affected by such partial redemption, such partial
17 redemption operating instead to pay and redeem the principal of
18 the Bonds at dates earlier than the originally scheduled
19 principal amortization dates, in inverse chronological order.

20 Notice from the Company to the Trustee that the Note
21 is to be prepaid in whole or in part pursuant to the Agreement
22 shall constitute the direction of the Issuer to the Trustee to
23 call some or all, as the case may be, of the then outstanding
24 Bonds, and no separate notice from the Issuer to the Trustee
25 shall be required.

26 When less than the entire unmatured portion of the
27 Bonds shall be called for redemption at any time or from time
28 to time (otherwise than pursuant to any mandatory sinking fund
29 redemption provisions hereof) the selection of such Bonds or
30 portions of fully registered Bonds to be called shall be made
31 by lot by the Trustee in such manner as the Trustee may
32 determine. When Bonds shall be called for redemption pursuant

1 to mandatory sinking fund redemption provisions hereof, they
2 shall be called by lot. If optional redemption of Bonds is to
3 take place in any of the years 1991 to 2001, both inclusive,
4 the Bonds to be so redeemed by optional redemption shall be
5 selected prior to the selection of the Bonds to be redeemed on
6 the same date by operation of the mandatory redemption
7 provisions hereof.

8 Notice of the call for any redemption of Bonds,
9 identifying by designation, letters, numbers, or other
10 distinguishing marks, the Bonds (in amounts of \$5,000 or any
11 multiple thereof) or portions of fully registered Bonds to be
12 redeemed, the redemption price to be paid, the date fixed for
13 redemption and the place or places where the amounts due upon
14 such redemption are payable, shall be given by the Trustee on
15 behalf of the Issuer by at least two publications in a
16 newspaper or financial journal of general circulation published
17 in the City and State of New York, the first such publication
18 to be not less than thirty days prior to the redemption date,
19 and, in the case of the redemption of Bonds at the time in the
20 form of registered Bonds, by mailing a copy of the redemption
21 notice by first class mail at least thirty days prior to the
22 date fixed for redemption to the registered owner of each such
23 registered Bond to be redeemed at the address shown on the
24 registration books kept by the Trustee; provided, however, that
25 failure to give such notice by mailing, or any defect in such
26 notice, shall not affect the validity of any proceedings for
27 the redemption of the Bonds. If, because of the temporary or
28 permanent suspension of the publication or general circulation
29 of the appropriate newspapers or financial journals or for any
30 other reason, it is impossible or impractical to publish such
31 notice of call for redemption in the manner herein provided,
32 then such publication in lieu thereof as shall be made with the
approval of the Trustee shall constitute a sufficient

1 publication of notice. If all of the Bonds to be redeemed are
 2 at the time in the form of registered Bonds, notice of the call
 3 for redemption may be given by mailing a copy of the redemption
 4 notice by registered or certified mail at least thirty days
 5 prior to the date fixed for redemption to the holder or holders
 6 thereof at the address shown on the registration books kept by
 7 the Trustee and newspaper or financial journal publication of
 8 the notice of the call for redemption need not be given;
 9 provided, however, that failure to give such notice to any
 10 Bondholder by mailing, or any defects in such notice to any
 11 Bondholder, shall not affect the validity of the proceedings
 12 for the redemption of any of the other Bonds. The holder or
 13 holders of Bonds may waive any notice of redemption in writing,
 14 and in such event, no notice of any kind need be given with
 15 respect to the Bonds of such holder or holders to be so redeemed.

16 Bond Service Charges on Bonds in coupon form, other
 17 than principal of or any redemption premium on such Bonds
 18 registered as to principal (except to bearer), shall be payable,
 19 without deduction for services as paying agent, at the
 20 corporate trust office of the Trustee.

21 All Bond Service Charges on registered Bonds shall be
 22 payable by check or draft drawn upon the Trustee and mailed or
 23 delivered to the Bondholder at its address as shown on the Bond
 24 registration books to be kept by the Trustee; provided however
 25 that the final Bond Service Charges shall be payable at the
 26 corporate trust office of the Trustee upon presentation and
 27 surrender of the Bond at such office. All payments of Bond
 28 Service Charges shall be made in lawful money of the United
 29 States of America, without deduction for services as paying
 30 agent. If any Bond Service Charges are not paid when due, the
 31 Issuer shall also pay to the Trustee, for distribution to the
 32 Bondholder, a "late charge" equal to 4% of such Bond Service

1 Charges to cover the extra expenses involved in handling
 2 delinquent payments. In addition, upon acceleration of the
 3 Bond, the amounts payable upon such acceleration, together with
 4 interest thereon at the Interest Rate for Advances from the
 5 date of acceleration, shall continue as an obligation of the
 6 Issuer until paid. All payments from the Issuer referred to
 7 herein shall be payable solely from the Pledged Receipts.

8 All Bonds shall bear such designation as may be
 9 necessary to distinguish them from Bonds of any other series.
 10 Subject to provisions of the Bond Legislation, Bonds shall be
 11 issued as coupon Bonds registrable as to principal or as fully
 12 registered Bonds, and may be exchanged as between forms, all as
 13 provided in the Indenture. All Bonds shall be negotiable
 14 instruments, subject to applicable provisions for registration,
 15 and shall express on their faces the purpose for which they are
 16 issued and such other statements or legends as may be required
 17 by law.

18 If Bonds or portions of fully registered Bonds are
 19 duly called for redemption and if on such redemption date
 20 moneys for the redemption of all the Bonds to be redeemed,
 21 together with accrued interest to the redemption date, shall be
 22 held by the Trustee so as to be available therefore, then from
 23 and after such redemption date such Bonds or portions of fully
 24 registered Bonds shall cease to bear interest and any coupons
 25 for interest thereon maturing subsequent to the redemption date
 26 shall be void.

27 The Bonds shall be executed on behalf of the Issuer by
28 the Executive and by the Fiscal Officer, provided that any or
29 all of such signatures may be facsimiles, and the seal of the
30 Issuer shall be impressed thereon or a facsimile of such seal
31 placed thereon. In case any officer whose signature or a
32 facsimile thereof shall appear on any Bond, shall cease to be

1 such officer before the issuance, authentication or delivery of
2 the Bond, such signature or facsimile thereof shall nevertheless
3 be valid and sufficient for all purposes, the same as if he had
4 remained in office until after that time.

5 Section 5. Security for the Bonds. As provided
6 herein, the Bonds shall be payable solely from the Bond Fund
7 and the Pledged Receipts and secured by a pledge of and lien on
8 the Pledged Receipts and the Bond Fund, and shall be further
9 secured by the Mortgage, the Guaranty Agreement (as defined in
10 the Loan Agreement) and the Indenture. Neither the Bond
11 Legislation, the Bonds, the Indenture, the Loan Agreement, nor
12 the Bond Purchase Agreement shall represent or constitute a
13 debt or pledge of the faith and credit or the taxing power of
14 the Issuer, and each Bond shall contain on the face thereof a
15 statement to that effect.

16 Section 6. Sale of Bonds. The Bonds are hereby sold
17 and awarded to each Original Purchaser, in accordance with its
18 offer therefor in the Bond Purchase Agreement, at a purchase
19 price of 100% of the principal amount of the Bonds to be
20 purchased by it, aggregating \$920,000, plus accrued interest
21 from the date of the Bonds. The Executive and the Fiscal
22 Officer are authorized and directed to make on behalf of the
23 Issuer the necessary arrangements with each Original Purchaser
24 to establish the date, location, procedure and conditions for
25 the delivery of the Bonds to such Original Purchaser, and to
26 take all steps necessary to effect due execution, authentication
27 and delivery to each Original Purchaser of the Bonds purchased
28 by it under the terms of this Bond Legislation, the Indenture
29 and the Bond Purchase Agreement. It is hereby determined that
30 the price for and the terms of the Bonds, and the sale thereof,
31 all as provided in this Bond Legislation and the Bond Purchase
32 Agreement, are in the best interest of the Issuer and consistent

1 with all legal requirements.

2 Section 7. Allocation of Proceeds of Bond -
3 Construction Fund. There is hereby created by the Issuer and
4 ordered maintained, as a separate deposit account (except when
5 invested as hereinafter provided) in the custody of the
6 Trustee, a trust fund in the name of the Issuer to be
7 designated "City of Fort Wayne - Allen County Aggregates, Inc.
8 Construction Fund". All of the sums from the sale of the
9 Bonds, except accrued interest on the Bonds, shall be deposited
10 in the Construction Fund and disbursed by the Trustee in
11 accordance with the Loan Agreement. The Trustee is authorized
12 and directed to issue its check for each such disbursement.
13 The moneys to the credit of the Construction Fund (including
14 the proceeds from the sale of investments thereof) shall, pending
15 applications thereof as above set forth, be subject to a lien
16 and charge in favor of the Holder.

17 Section 8. Source of Payment - Bond Fund. As
18 provided in the Agreement, Note Payments, sufficient in time
19 and amount to pay the Bond Service Charges as they come due,
20 are to be paid by the Company directly to the Trustee for the
21 account of the Issuer and deposited in the Bond Fund.

22 There is hereby created by the Issuer and ordered
23 maintained, as a separate deposit account (except when invested
24 as hereinafter provided) in the custody of the Trustee, a trust
25 fund to be designated "City of Fort Wayne - Allen County
26 Aggregates, Inc. Bond Fund". There is also hereby created two
27 separate subaccounts in the Bond Fund, to be designated the
28 "Principal Account" and the "Interest Account". Subject to the
29 provisions of the Mortgage, the Bond Fund and the moneys
30 therein are hereby pledged to and shall be used solely and
31 exclusively for the payment of Bond Service Charges as they
32 fall due at stated maturity or by amortization or redemption,

1 all as provided herein and in the Indenture and the Agreement,
2 with Bond Service Charges representing repayment of principal
3 on the Bonds, whether at maturity, or by mandatory or optional
4 redemption, being paid only from the Principal Account and with
5 Bond Service Charges representing all other amounts being paid
6 only from the Interest Account, except as provided in Section
7 8.02 of the Trust Indenture relating to defeasance of the Bonds.

8 Except as otherwise provided in this Bond Legislation
9 or in the Mortgage, and except for payments to be deposited
10 into the Reserve Fund, there shall be deposited into the Bond
11 Fund, as and when received, all Pledged Receipts, as follows:
12 All portions of the Note Payments representing a payment of
13 principal on the outstanding balance of the Note, all moneys
14 from the Reserve Fund or investment of Reserve Fund moneys
15 transferred from the Reserve Fund or otherwise credited to the
16 Bond Fund and any other payments received by the Trustee to be
17 used to repay principal on the Bonds, shall be deposited into
18 the Principal Account, and all other Pledged Receipts shall be
19 deposited into the Interest Account.

20 The Issuer covenants and agrees that, until Payment in
21 Full of the Bonds, it will deposit or cause to be deposited in
22 the Bond Fund Pledged Receipts sufficient in time and amount to
23 pay the Bond Service Charges as the same become due and
24 payable, and to this end the Issuer covenants and agrees that
25 it will diligently and promptly proceed in good faith and use
26 its best efforts to enforce the Agreement and that, should
27 there be an event of default under the Agreement, the Issuer
28 shall fully cooperate with the Trustee and with the Bondholder
29 to fully protect the rights and security of the Bondholder
30 hereunder. Nothing herein shall be construed as requiring the
31 Issuer to use or apply to the payment of Bond Service Charges
32 any funds other than the Bond Fund and the Construction Fund or

1 revenues from any source other than Pledged Receipts.

2 The Issuer covenants and agrees, whenever the moneys
3 and investments in the Bond Fund (or otherwise held by the
4 Trustee for such purpose) are sufficient in amount to redeem
5 the entire principal amount of the Bonds then outstanding and
6 to pay interest to accrue thereon to the date or dates of such
7 redemption, and any applicable premiums, to take and cause to
8 be taken, upon notification by the Company or the Trustee, the
9 necessary steps to redeem the Bonds on the next succeeding
10 redemption date or dates for which the required notice of call
11 for redemption may be given.

12 Section 8(a). Reserve Fund. There is hereby created
13 by the Issuer and ordered maintained, as a separate deposit
14 account (except when invested as hereinafter provided) in the
15 custody of the Trustee, a trust fund to be designated "City of
16 Fort Wayne - Allen County Aggregates, Inc. Reserve Fund"
17 (hereinafter called the "Reserve Fund"). As provided in
18 Section 4.1(d) of the Agreement, Reserve Fund Payments are to
19 be paid by the Company directly to the Trustee for the account
20 of the Issuer and deposited in the Reserve Fund. There shall
21 be deposited or credited to the Reserve Fund from the Reserve
22 Fund Payments and from all other sources, including from income
23 earned on the investment of monies credited to such Reserve
24 Fund, an amount equal to not more than \$138,000, which is 15%
25 of the Original Principal Sum and the reserve reasonably
26 required by the Original Purchaser. Until the principal amount
27 of the Reserve Fund shall have totaled \$138,000, the Trustee
28 shall invest the monies in such Reserve Fund as provided in
29 Section 10 hercof and shall accumulate such income in the
30 Reserve Fund and add such income to the principal thereof.
31 When the amount of the Reserve Fund shall have aggregated
32 \$138,000, the Trustee shall credit all further income received

1 from the investment thereof to the Principal Account of the
2 Bond Fund to pay Bond Service Charges representing repayment of
3 principal on the Bonds, whether at maturity, or by mandatory or
4 optional redemption, to the fullest extent possible, on the
5 next succeeding Interest Payment Date, Mandatory Redemption
6 Date or maturity date.

7 If, on any Interest Payment Date, the balance in the
8 Bond Fund is insufficient to pay the required Bond Service
9 Charges, then the Trustee shall immediately transfer from the
10 Reserve Fund to the Bond Fund an amount sufficient to make up
11 such deficiency in the Bond Fund. With the approval of the
12 Company, which approval shall not be unreasonably withheld, the
13 Trustee may also make withdrawals from the Reserve Fund to pay
14 the fees and expenses of the Trustee. After any such transfer
15 as aforesaid, the Trustee may again receive and credit Reserve
16 Fund Payments to the Reserve Fund until the amount thereof
17 shall again total \$138,000.

18 Section 9. Covenants of Issuer. In addition to other
19 covenants of the Issuer in the Bond Legislation and the
20 Indenture, the Issuer further covenants and agrees as follows:

21 (a) Payment of Bond Service Charges. The Issuer
22 will, solely from the sources herein provided, pay or cause
23 to be paid the Bond Service Charges on the Bonds on the
24 dates, at the places and in the manner provided herein and
25 in the Bonds.

(b) Performance of Covenants, Authority and Actions.

The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, and required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery

of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the Bond Fund, the Reserve Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance

thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 5.11 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

18 (g) List of Bondholders. To the extent that such
 19 information shall be made known to the Issuer under the terms
 20 of this paragraph, the Issuer will keep or arrange to have
 21 kept on file at the corporate trust office of the Trustee a
 22 list of names and addresses of the last known holders of Bonds
 23 payable to bearer. Any Bondholder may in a writing addressed
 24 to the Issuer or Trustee request that his name and address be
 25 placed on said list, which request shall include a statement
 26 of the principal amount of Bonds held by such holder and shall
 27 identify, by number and series designation, such Bonds. Neither
 28 the Issuer nor the Trustee shall be under any responsibility
 29 with regard to the accuracy of said list. At reasonable times
 30 and under reasonable regulations established by the Trustee,
 31 said list may be inspected and copied by the Company, or by the
 32 holders (or a designated representative thereof) of twenty-five

1 percent or more in principal amount of Bonds then outstanding,
 2 such holding and the authority of any such designated represen-
 3 tative to be evidenced to the satisfaction of the Trustee.

4 (h) Rights under Agreement. The Trustee, in its name
 5 or in the name of the Issuer, may, for and on behalf of the
 6 Bondholder, enforce all rights of the Issuer and all obligations
 7 of the Company under and pursuant to the Agreement, whether or
 8 not the Issuer is in default of the pursuit or enforcement of
 9 such rights and obligations.

10 (i) Arbitrage Provisions. The Issuer will restrict
 11 the use of the proceeds of the Bonds in such manner and to
 12 such extent, if any, as may be necessary, after taking into
 13 account reasonable expectations at the time the Bonds are
 14 delivered to the Original Purchaser, so that they will not
 15 constitute arbitrage bonds under Section 103(c) of the Code
 16 and the applicable regulations prescribed under that section.
 17 The Fiscal Officer or any other officer having responsibility
 18 with respect to the issuance of the Bonds is authorized and
 19 directed, alone or in conjunction with any of the foregoing
 20 or with any other officer, employee, consultant or agent of
 21 the Issuer, or any officer of the Company, and upon receipt of
 22 satisfactory indemnities from the Company, to give an appropriate
 23 certificate on behalf of the Issuer, for inclusion in the
 24 transcript of proceedings for the Bonds, setting forth the facts,
 25 estimates and circumstances and reasonable expectations pertaining
 26 to such Section 103(c) and regulations thereunder.

27 Section 10. Investment of Bond Fund, Construction
 28 Fund and Reserve Fund Money. Moneys in the Bond Fund, the
 29 Reserve Fund and the Construction Fund shall be invested and
 30 reinvested by the Trustee in any Eligible Investments, in
 31 accordance with and subject to any written orders, or oral
 32 orders confirmed promptly in writing, of the Authorized Company

1 Representative with respect thereto, provided that investments
 2 of moneys in the Bond Fund shall mature or be redeemable at the
 3 option of the Trustee at the times and in the amounts necessary
 4 to provide moneys hereunder to pay Bond Service Charges as they
 5 fall due at stated maturity or by amortization or redemption,
 6 and that each investment of moneys in the Construction Fund
 7 shall in any event mature or be redeemable at the option of the
 8 Trustee at such time as may be necessary to make timely payments
 9 from such Fund. Subject to any such orders with respect thereto,
 10 the Trustee may from time to time sell such investments and
 11 reinvest the proceeds therefrom in Eligible Investments maturing
 12 or redeemable as aforesaid. Any such investments may be
 13 purchased from the Trustee. The Trustee shall sell or redeem
 14 investments standing to the credit of the Bond Fund to produce
 15 sufficient moneys hereunder at the times required for the
 16 purposes of paying Bond Service Charges when due as aforesaid.
 17 An investment made from moneys credited to the Bond Fund, the
 18 Reserve Fund or Construction Fund shall constitute part of that
 19 respective Fund and such respective Fund shall be credited with
 20 all proceeds of sale and income or loss from such investment,
 21 provided further that all investments of any moneys credited to
 22 the Principal Account or Interest Account of the Bond Fund shall
 23 constitute part of that respective Account, and such respective
 24 Account shall be credited with all proceeds of sale and income
 25 or loss from such investment, subject to the restrictions set
 26 forth in Section 8(a) hereof with respect to the Reserve Fund.
 27 The Company has covenanted in the Agreement to restrict the use
 28 of the proceeds of the Bonds so that they will not constitute
 29 arbitrage bonds under the Code.

30 Section 11. Authorization of Agreement, Bond Purchase
 31 Agreement, Indenture and Assignment. In order to better secure
 32 the payment of the Bond Service Charges as the same shall

1 become due and payable, the Executive and the Fiscal Officer
 2 are hereby authorized and directed to execute, acknowledge and
 3 deliver, on behalf of the Issuer, the Agreement, the Bond
 4 Purchase Agreement, the Indenture and the assignment of the
 5 Note, in substantially the forms submitted to this Issuing
 6 Authority, which are hereby approved, with such changes therein
 7 not inconsistent with this Bond Legislation and not substantially
 8 adverse to the Issuer as may be permitted by the Act and approved
 9 by the Legal Officer and by the persons executing the same.
 10 The approval of such changes by the Legal Officer and such
 11 members, and that such are not substantially adverse to the
 12 Issuer, shall be conclusively evidenced by the execution of
 13 the Agreement, the Bond Purchase Agreement, the Indenture and
 14 such assignment by such persons.

15 The Executive and Fiscal Officer and the Clerk of the
 16 Issuer are each hereby separately authorized to take any and
 17 all actions and to execute such financing statements, election
 18 statement, certificates and other instruments that may be
 19 necessary or appropriate in the opinion of the Legal Officer
 20 and bond counsel, in order to effect the issuance of the Bond
 21 and the intent of this Bond Legislation. The Clerk of the
 22 Issuer, or other appropriate officer of the Issuer, shall
 23 certify a true transcript of all proceedings had with respect
 24 to the issuance of the Bonds, along with such information from
 25 the records of the Issuer as is necessary to determine the
 26 regularity and validity of the issuance of the Bonds.

27 This Bond Legislation shall constitute a part of the
 28 Indenture as therein provided and for all purposes of the
 29 Indenture, including, without limitation, application to this
 30 Bond Legislation of the provisions in the Indenture relating to
 31 amendment, modification and supplementation, and provisions for
 32 severability.

1 Section 12. Effective Date. This Bond Legislation
 2 shall take effect and be in force immediately upon its adoption.

3 Vivian G. Schmidt
 4 COUNCIL MEMBER
 5
 6

Read the third time in full and on motion by V. Schmidt, seconded by
 Eisbart and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Nine
 Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt,
 V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as Special Ordinance No. S-217-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman John Nuckols
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
 the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me 15th day of October, 1981, at the hour
 of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-81-09-19

SPECIAL ORDINANCE NO. S-219-81

AN ORDINANCE approving contracts between the City of Fort Wayne, Indiana and T & F Construction Corporation and the City of Fort Wayne, Indiana and Brooks Construction Co., Inc. for electrical, landscaping and general contracting

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That certain contracts dated September 14, 1981 and September 17, 1981, respectively, between the City of Fort Wayne, Indiana and Brooks Construction Co., Inc. and between the City of Fort Wayne, Indiana and T & F Construction Corporation, for:

Broadway Streetscape project: Division I, General Contractor, Brooks Construction, street, curb, sidewalk, drainage, screen walls, and paving construction; Division II, Landscaping Contractor, T & F Construction, tree and shrub planting, sodding, and maintenance; Division III, Electrical Contractor, T & F Construction, traffic signal bases, and underground conduit.

at a total cost of \$395,895.03, all as more particularly set forth in said contracts which are on file in the Office of Community Development and Planning and are by reference incorporated herein and made a part hereof, be and the same are in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-219-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-01

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE approving a contract by and between the City of Fort Wayne, Indiana, through its Board of Public Works and SCA Services of Indiana, Inc. for the collection, transportation and disposal of garbage and refuse

WHEREAS, the City, through its Board of Public Works has let bids for the collection of garbage and refuse for the years 1982 through 1987;

WHEREAS, said contract has been awarded to SCA Services of Indiana, Inc. who has been determined to be the lowest and best bidder by the Board of Public Works;

WHEREAS, the City is desirous of having said contract with SCA Services of Indiana, Inc. for the collection of garbage and refuse approved by the Common Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated by and between the City of Fort Wayne by and through its Mayor and its Board of Public Works and SCA Services of Indiana, Inc. for collection of garbage and refuse including the transportation and disposal thereof, is hereby, along with all addenda thereto, ratified and approved in all respects.

SECTION 2. Said contract is made a part hereof and is by reference incorporated herein and further said contract is on file in the Office of the Board of Public Works in the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Two
Eisbart, V. Schmidt

Nays: Six
Burns, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Abstained; One
GiaQuinta

Date: 10-13-81

Charles W. Westerman
City Clerk

BILL NO. R-81-10-08

RESOLUTION NO. R-69-81

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-007-4230 "Instruction" to Account No. 402-010-007-4321 "Gasoline" in the 1981 Budget of the Weights and Measurers Department

WHEREAS, It has become necessary to transfer funds to Account No. 402-010-007-4321 "Gasoline" in the 1981 Budget of the Weights and Measures Department, for which adequate funds exist in Account No. 402-010-007-4230 "Instruction", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$3000.00 to Account No. 402-010-007-4321 "Gasoline" of the 1981 budget of the Weights and Measurers Department.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402010-0074230 "Instruction" is hereby reduced in the amount of \$300.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-69-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-09

RESOLUTION NO. R-70-81

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-003-4521 "Machine Rental" to Account Nos. 402-010-003-4212 "Postage", 402-010-003-4214 "Telephone", and 402-010-003-4362, "Stationery & Printing" in the 1981 Budget of the Purchasing Department

WHEREAS, it has become necessary to transfer funds to Account No. 402-010-003-4212 "Postage", Account No. 402-010-003-4214 "Telephone", and Account No. 402-010-003-4362 "Stationery & Printing" in the 1981 Budget of the Purchasing Department, for which adequate funds exist in Account No. 402-010-003-4521 "Machine Rental", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$2,750.00 to the following accounts of the 1981 Budget of the Purchasing Department in the amounts set out, respectively, to-wit:

<u>Account No.</u>	<u>Amount</u>
402-010-003-4212 "Postage"	\$1,350.00
402-010-003-4214 "Telephone"	900.00
402-010-003-4362 "Stationery & Printing"	<u>500.00</u>
Total:	\$2,750.00

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-003-4521 "Machine Rental" is hereby reduced in the amount of \$2,750.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-70-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-10

RESOLUTION NO. R-71-81

A RESOLUTION authorizing the transfer of funds from Account No. 402-010-017-4220 "Utilities" to Account No. 402-010-017-4332 "Medical Supplies" in the 1981 Budget of Humane Shelter

WHEREAS, it has become necessary to transfer funds to Account No. 402-010-017-4332 "Medical Supplies" in the 1981 Budget of the Humane Shelter, for which adequate funds exist in Account No. 402-010-017-4220 "Utilities", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$1,000.00 to Account No. 402010-017-4332 "Medical Supplies" of the 1981 Budget of the Humane Shelter.

SECTION 2. That the unappropriated and unexpended balance of Account No. 402-010-017-4220 "Utilities" is hereby reduced in the amount of \$1,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-71-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-11

RESOLUTION NO. R- 72-81

A RESOLUTION authorizing an appeal from
tax levy limitation established under
I.C. 6-3.5-1-3 and for an excessive levy

WHEREAS, the City is a second class city located in Allen County, Indiana; and

WHEREAS, the City will be unable to carry out, in the ensuing budget year 1982, the governmental responsibilities and functions committed to it by law unless authority is granted for an excessive tax levy in the sum of \$784,350; and

WHEREAS, the City is required to make payments for unemployment compensation (I.C. 22-4-1-1) and does on a reimbursement basis to the State of Indiana. This has begun to be a significant portion of the City's budget, amounting to an estimated \$112,300 in the 1982 budget. The City will need the requested tax levy increase to make these payments. By fund, the budget estimates for unemployment compensation payments are:

General Fund	\$96,900
Park Fund	15,000
Redevelopment Fund	<u>400</u>

\$112,300; and,

WHEREAS, the City has, within the last two months, entered into program, being implemented by an interlocal agreement with the County of Allen, to provide emergency medical services to the citizens of Fort Wayne and Allen County on an advanced life support basis. Fees are being charged for this service which will defray a large portion of the expense of the medical service provided, but the agreement stipulates that the City will subsidize the program in the amount of \$500,000. The City will need the requested tax levy increase to meet this \$500,000 commitment; and,

WHEREAS, the City has in recent years entered into certain lease purchase agreements on various pieces of capital firefighting equipment. The lease - purchase payments on this firefighting equipment will amount to the sum of \$172,050 in 1982. These acquisitions of equipment, having an anticipated life span of 15-20 years could have been financed by bonded debt. The City will need the requested tax levy increase to pay this capital debt in 1982; and ,

WHEREAS, the City has considered other sources of funding, including the use of revenue sharing funds, to meet the aforementioned obligations; and,

WHEREAS, the City has committed its revenue sharing allocation for 1982 to public lighting, sewer maintenance, solid waste disposal, purchase of equipment such as motor vehicles, economic development, and health insurance for public safety employees; and,

WHEREAS, the City needs and requests an excessive tax levy for the following items:

Unemployment Compensation Payments	\$112,300	
Emergency Medical Service	500,000	
Lease Purchase Payments	<u>172,050</u>	
Total		\$784,350

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the appropriate officers of the City are authorized and empowered and directed to take all steps necessary to present an appeal to the Indiana Board of Tax Commissioners for a tax levy that exceeds the limitations provided under I.C. 6-3.5-1-3.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V.Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Ster, Talarico
Nays: Three
Burns, D. Schmidt, Schomburg

Date: 10-13-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-72-81 on the 13th day of October, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-12 (AS AMENDED)

RESOLUTION NO. R-73-81

A RESOLUTION authorizing an appeal from
the budget and tax rates and levies fixed
by Allen County Tax Adjustment Board

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in a manner which renders it impossible, for the City to carry out the governmental functions and responsibilities committed to it by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the appropriate officers of said City are authorized and directed to take

all steps necessary to present an appeal from the budget and tax rates and levies fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies reduced by the Allen County Tax Adjustment Board.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Three

Burns, D. Schmidt, Schomburg

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-73-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-13

RESOLUTION NO. R-74-81

A RESOLUTION authorizing the transfer of funds from Account No. 4-02-128-128-4252 "Repairs-Equipment" to Account No. 4-02-128-128-4430 "Repair Parts" in the 1981 Budget of the Street Department

WHEREAS, it has become necessary to transfer funds to Account No. 4021281284430 "Repair Parts" in the 1981 Budget of the Street Department for which adequate funds exist in Account No. 4-02-128-128-4252 "RepairsEquipment", and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne is hereby authorized to transfer the sum of \$40,000.00 to Account No. 4-02-128-128-4430 "eEpairs Parts" of the 1981 Budget of the Street Department.

SECTION 2. That the unappropriated and unexpended balance of Account No. 4-02-128-128-4252 "eEpairs-Equipment" is hereby reduced in the amount of \$40,000.00.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-74-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-24

RESOLUTION NO. R-78-81

A RESOLUTION supporting the health protection purposes of the Federal Clean Air Act

WHEREAS, the Federal Clean Air Act is designed to protect public health from harmful levels of pollution and has proven effective in reducing concentrations of some pollutants; and,

WHEREAS, the National Ambient Air Quality Standards, which are actually health standards, are the cornerstone of the Clean Air Act and are in danger of being relaxed to the point where they would no longer protect the health of children, the elderly, and persons with respiratory disorders, and,

WHEREAS, programs for raising air quality in metropolitan areas and maintaining healthful air in recreational areas must not be diluted and programs to control acid rain and to regulate more toxic pollutants must be initiated; and,

WHEREAS, the Clean Air Act has proved a workable and reasonable approach to the problem of air pollution such that it has provided benefits far exceeding the costs of compliance, and continued air and vigorous administration of the Act can assure the continued growth of these benefits at reasonable costs to the nation's industries;

THEREFORE BE IT RESOLVED, by the Common Council of the City of Fort Wayne, Indiana, that it fully supports the health protection purposes of the Federal Clean Air Act, urges streamlined but national revision, opposes relaxation of standards, and supports the establishment of new programs to cope with air pollution problems affecting public health;

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to the President of the United States, Congressman Coats and Senators Lugar and Quayle.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Three

Burns, D. Schmidt, Schomburg

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-78-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-09-20

RESOLUTION NO. R-LOST

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$1,580,000.00 ECONOMIC REVENUE
BONDS OF THE CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
CHI CHI'S, INC. TO PROCEED WITH
THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Chi Chi's, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a full service restaurant and bar located in Fort Wayne, Indiana, and more particularly described as follows:

Part of the Northeast Quarter of SEction 23, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the South right of way line of Washington Center Road, said point being 45 feet South and 400 feet West of the Northeast corner of the Northeast Quarter of Section 23, Township 31 North, Range 12 East, Allen County, Indiana; thence South and parallel to the East line of the NE 1/4 of Sec. 23-31-12 a distance of 579.0 feet; thence West with a deflection angle to the right of 90 degr. 19. min. 40 sec. and parallel to the North line of the NE 1/4 of Sec. 23-31-12 a distance of 301.97 feet; thence North with a deflection angle to the right of 89 degr. 52 min. 00 sec. a distance of 579.0 feet to a point on the South right of way line of Washington Center Road, said point being 45 feet South of the North line of the NE 1/4 Sec. 23-31-12; thence East with a deflection angle to the right of 90 degr. 08 min. 00 sec. and parallel to the North line of the NE 1/4 of Sec. 23-31-12 a distance of 300.0 feet to the point of beginning, containing 4.0 acres.

(the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 175 job opportunities

to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,580,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 10-13-81

Charles W. Westerman
City Clerk

BILL NO. Z-81-08-11

ZONING MAP ORDINANCE NO. Z-31-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under

the terms of Chapter 13, The Code of the City of Fort Wayne, Indiana of 1974:

An Abstract of the title to the following described real estate to-wit:

Being a part of the North side of a tract or lot of land containing 3 acres, which was conveyed by Frederick Hamilton and wife to John W. Dawson on the 7th day of May 1858, and which said lot or part herein conveyed is bounded as follows, to-wit:

beginning at the North West corner of said described tract of land and running thence Eastward along the North line thereon 7 chains, 22 links (476.52') to the North East corner thereof; thence Southward along the East line thereof 1 chain, and 39 links; (91.74'); Thence Westward by a line parallel to the said North line 7 chains, and 22 links, (476.52') until it intersects the West line of said tract; thence Northward along the said line 1 chain, 39 links (91.74') to the place of beginning, containing one acre, more or less, and being part of Lot 1 Wells' Pre-emption in Township 31 North, Range 12 East, Allen County, Indiana.

Bounded on the North by a line beginning at the Southwest Corner of a tract of land conveyed to School City of Fort Wayne, Indiana, by John A. Kramer and Theresa Kramer, his wife on May 12th, 1910, running thence Eastward along the South line of said Kramer tract, seven (7) chains and twenty two (22) links, to the South east Corner of said Kramer tract, and bounded on the East by a line beginning at said Southeast Corner of said Kramer tract, and running thence Southward one (1) chain and thirty-nine (39) links, and bounded on the South by a line beginning one (1) chain and thirty-nine (39) links South of the Southeast Corner of said Kramer tract, and running Westward parallel with the North line thereof seven (7) chains and twenty-two (22) links, and bounded on the West by a line beginning one (1) chain and thirty-nine (39) links South of the Southwest Corner of said Kramer tract, and running North one chain and 39 links (91.74') to the place of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. M-14, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-31-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-03-38

GENERAL ORDINANCE NO. G17-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan
by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereof; and (3) said Commission has duly forwarded its recommendation thereto th this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

The East-West alley located south of Baker Street;
east of Fairfield Avenue and north of the Penn-Central Railroad, more particularly described
as f follows:

Beginning at the southwest corner of Lot #37 of Ewing's Grove Addition; thence east along the south line of Lots #37 through #52 of Ewing's Grove Addition to the southeast corner of Lot #52; thence south by a deflection to the right of 90 degrees a distance of 10 feet to the south right-of-way line of the East-West alley; thence west along the south right-of-way line of the East-West alley and parallel to the south lot lines of the aforesaid lots #37 through #52 to its intersection with the East right-of-way line of Fairfield Avenue, thence North along the East right-of-way line of Fairfield Avenue to the southwest corner of Lot #37 of Ewing's Grove Addition, also being the point of beginning

and which vacating amends the Thoroughfare Plan of the Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D.Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-17-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-07-18 (as amended)

GENERAL ORDINANCE NO. G-18-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

The alley bounded by Lots 12, 13, 14
and the West 30 feet of Lot 15 of Block 3 in
Williams-Woodland Park Addition.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit Court or Allen Superior Court under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. that the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-18-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-26

GENERAL ORDINANCE NO. G-19-81

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City of Fort
Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 1A, Section 17-21(b) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting from Schedule 1A the following:

TRAFFIC SIGNAL

Superior Street and Wells Street

SECTION 2. That Schedule 5, Section 17-49 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

Birchwood Avenue	-stop-	for Schele Avenue
Grapevine Lane	-stop-	for Cranberry Road
Wells Street	-stop-	for Superior Street

SECTION 3. That Schedule 7, Section 17-90 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 7 the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wells Street	West	Fairmount Place	75' North of High Street
Wells Street	East	First	Second Street
Griswold Drive	East and North North (along river)	Spy Run Avenue Avenue	Tennessee

SECTION 4. That Schedule 12, Section 17-93(c) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 12 the following:

2 HOUR PARKING 8 A.M. TO 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Brackenridge Street Thereof	North	Harrison Street	60' West

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQunita
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomubrg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-27

GENERAL ORDINANCE NO. G-20-81

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City
Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 1A, Section 17-21(b) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting from Schedule 1A the following:

TRAFFIC SIGNAL

South Anthony Boulevard	and Colerick Street
Clay Street	and Lewis Street
Fourth Street	and Harrison Street
Hanover Street	and Washington Boulevard
Lumbard Street	and Maumee Avenue
McCulloch Street	and Maumee Avenue
Harmar Street	and Jefferson Boulevard

SECTION 2. That Schedule 5, Section 17-49 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

Colerick Street	stop for South Anthony Boulevard
Clay Street	stop for Lewis Street
Fourth Street	stop for Harrison Street
Hanover Street	stop for Washington Boulevard

Lumbard Street	stop for Maumee Avenue
McCulloch Street	stop for Maumee Avenue
Harmar Street	stop for Jefferson Boulevard

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico
Nays: None

Date: 10-13-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-20-81 on the 13th day of October, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-28

GENERAL ORDINANCE NO. G-21-81

AN ORDINANCE regulating "Prior Approval"

Whereas, from time-to-time the Common Council of the City of Fort Wayne, Indiana, is requested by various departments of the Executive Branch of Government of the City of Fort Wayne, Indiana, to give its promise that it will, on presentation of a properly drawn Ordinance or Resolution affecting a particular subject matter, pass an Ordinance or Resolution thereon at a future general meeting of such Common Council; and,

Whereas, such action is customarily referred to as "prior approval"; and,

Whereas, said "prior approval" is in derogation of the strict letter of the law regarding presentation and passage of Ordinances and Resolutions but is in the best interest of the City of Fort Wayne, Indiana; and,

Whereas, it is necessary to adopt a rule as to the number of votes required for passage of such "prior approval";

NOW THEREFORE BE IT ORDAINED by the Common Council that any request for "prior approval" presented to it shall require two-thirds (2/3) vote of all elected members of the City of Fort Wayne, Indiana.

This Ordinance shall be in full force and effect from and after passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schombuarg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-21-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-29

GENERAL ORDINANCE NO. G-LOST

AN Ordinance Supplementing the Rules of
the Common Council of the City of Fort Wayne,
Indiana concerning eliciting of information
in aid of legislation and in general from
the public

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, needs input from the various departments of the City of Fort Wayne and from the general public, not only in regard to legislation pending before it, but also so that it may be otherwise informed on matters not directly related to pending legislation; and,

WHEREAS, it is necessary that such information be presented to it in an orderly manner.

Now, Therefore, Be It Ordained by the Common Council of the City of Fort Wayne, Indiana, that:

Section 1. All representatives of the Executive Department of the City of Fort Wayne, including the Mayor and its department heads and other employees of the City of Fort Wayne, Indiana, and its City Utilities shall be informed of the introduction of legislation affecting such Executive Department by circulation from the City Clerk's Office of the Agenda of the Fort Wayne Common Council. The heads of such Executive Departments, including the Mayor's Office, will thus have available information concerning such proposed legislation affecting such departments. It shall be the duty and responsibility of the department heads to designate such representatives to be recognized to speak to the issue of legislation at committee sessions of the Common Council of the City of Fort Wayne at which the pending legislation is to be discussed. Such information shall be given by the various departments heads or their representatives to the Office of the City Clerk of Fort Wayne, Indiana, who in turn shall notify the Chairman of the Committee conducting Committee hearing in the Common Council of the City of Fort Wayne, Indiana.

Section 2. Whenever a member of the Common Council desires any member of the General Public to discuss matters directly related to pending legislation before the Common Council, such member of the Common Council shall cause the Clerk of the Common Council of the City of Fort Wayne, Indiana, to notify such person or persons of such matter to be discussed and such person or persons so notified shall be listed on the Agenda of the Common Council as speaking to that particular topic of interest before the Committee Session or General Session of the Common Council.

Section 3. Whenever a member of the Common Council desires any representative of the Executive Branch of the City Government, its department heads or other employees or City Utilities of Fort Wayne, Indiana, or members of the general public to discuss matters not directly related to pending legislation such member of the Common Council shall cause the Clerk of the Common Council of the City of Fort Wayne, Indiana, to notify such person or persons of the subject matter to be discussed and such person or persons so notified shall be listed on the Agenda of the Common Council as speaking to that particular topic of interest before the Committee Session or general session of the Common Council.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval of the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Eisbart, GiaQuinta, V. Schmidt, Stier
Nays: Five
Burns, Nuckols, D. Schmidt, Schomburg, Talarico

Date: 10-13-81
Charles W. Westerman
City Clerk

BILL NO. R-81-06-19

DECLARATORY RESOLUTION NO. R-75-81

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated June 9, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2, of the 1974 Municipal Code and I.C. 61.112.1, to-wit:

Lots 23 and 24 and West 14 feet
of Lot 22 in Spencer's Addition
to the City of Fort Wayne, Indiana.

Located at and commonly known as:

Webster and Lewis Streets

WHEREAS, It appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:
(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-75-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-25

RESOLUTION NO. R-79-81

A RESOLUTION IN SUPPORT OF EQUAL ACCESS TO JUSTICE AND FOR THE REAUTHORIZATION OF THE LEGAL SERVICES CORPORATION ACT.

October 13, 1981

WHEREAS, the Common Council of the City of Fort Wayne supports the principles of equal justice and equal access to justice for all, regardless of ability to pay; and

WHEREAS, the Common Council of the City of Fort Wayne recognizes the valuable services performed by Legal Services of Maumee Valley, Inc., in rendering assistance to the poor of this community in a wide variety of civil legal problems.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

That the Common Council of the City of Fort Wayne expresses its support for publicly-funded legal services for the poor and for the basic principle expressed in the preamble of the Legal Services Corporation Act, to-wit: equal access to justice.

That the Legal Services Corporation should be reauthorized by Congress and funded at a reasonable level, as sought by its Board of Directors

Mark E. GiaQuinta

Roy J. Schomburg

Vivian G. Schmidt

Samuel J. Talarico

James S. Stier

Ben A. Eisbart

John Nuckols

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Two

Burns, D. Schmidt

Abstained: One
Schomburg

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-79-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-31

SPECIAL ORDINANCE NO. S-220-81

AN ORDINANCE approving a contract for
Curb, Sidewalk and Drive Approaches
Improvement Resolution Number 5917-81, between
the City of Fort Wayne, Indiana, and Gateway
Construction Company, for construction of
new curbs and sidewalks and also drive
approaches

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 9, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Gateway Construction Company, for:

construction of new curbs and sidewalks
and also drive approaches, where needed as
follows: Thiem Drive (east side only),
Nelson Street, College Street, Rockhill
Street, Union Street, Jackson Street, Van
Buren Street, Berry Street, Wayne Street,

under Board of Public Works Curb, Sidewalk and Drive Approaches Improvement Resolution Number 5917-81, at a total cost of \$35,142.50, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-220-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-32

SPECIAL ORDINANCE NO. S-221-81

AN ORDINANCE approving a contract for
Resurfacing and Restoring Pavement Resolution
Number 5918-81, between the City of Fort
Wayne, Indiana and Dailey Asphalt Products
Co., Inc. for resurfacing and restoring

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 16, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Co., Inc., for:

resurfacing and restoring pavement as designated on the following streets:

- (1) Thieme Drive, from the South curb line of Main Street to the North property line of Berry Street;
- (2) Berry Street, from the East curb line of Rockhill to the East curb line of Thieme Drive,
- (3) Berry Street, from the West curb line of Broadway to the West property line of Van Buren Street;
- (4) Broadway, from the South curb line of Main street to the North property line of Berry Street;
- (5) Main Street, from the West property line of Van Buren street to the East property line of Broadway.

under Board of Public Works Resurfacing and Restoring Pavement Resolution Number 591881, at a total cost of \$47,209.05, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-221-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-09-33 (as amended)

SPECIAL ORDINANCE NO. S-223-81

AN ORDINANCE approving City Utilities Purchase
Order Nos. A-9554 and A-9555 with I.B.M. for
the monthly rental and lease of equipment

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order Nos. A9554 and A9555, dated September 18, 1981, between the City of Fort Wayne, Indiana, by and through the City Utilities Purchasing Agent and the Data Processing Department and I.B.M. for:

monthly rental and lease of I.B.M.
computer equipment,

at a cost of \$9838.000, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and same is in all things ratified, confirmed and approved.

SECTION 2. This Ordinance with respect to the 4331 computer will be applicable until August 15, 1982. At this time the Ordinance becomes null and void. Any continuance of computer rental beyond this date must be covered by a new Ordinance.

SECTION 3. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-223-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-07-50

ANNEXATION ORDINANCE NO. X-06-81

AN ORDINANCE annexing certain territory, commonly known as the Keller Road Area, to Fort Wayne, IN and including the same in Councilmanic District No. 4

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and,

WHEREAS, said territory is adjacent to Baer Field Municipal Airport; and,

WHEREAS, said territory is an intergal part of the Baer Field Airport in that it provides for the shelter, supply, and care of aircraft by I.C. 18-5-10-20.2; and,

WHEREAS, the City of Fort is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Beginning at a point 1110.5' west of the southeast corner of the southwest 1/4 of Section 8-29-12; thence continuing west on the south line of Section 8-29-12 to the intersection with the west line of the east half of the southwest 1/4 Section 8-29-12; thence north on said line to the north line of south half of Section 8-29-12, thence east on said line to the present City Limits as established in Annexation Ordinance X-57-03-15, thence south along the present City Limits to a point where the present City Limits deflects to the right; thence south 69 degrees 56' west a distance of 1645'; thence south 0 degrees 36' west a distance of 308'; thence south 89 degrees 24' east a distance of 1363.0'; thence south 44 degrees 46' west to the south line of Section 8-29-12; thence west 1110.5' to the point of beginning, containing 75.328 acres of land, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of time on one (1) year of the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days after final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-06-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-07-51

RESOLUTION NO. R-76-81

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Keller Road Area

WHEREAS, the annexation of territory to the city is a legislative function, and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provided for the furnishing of municipal services to the entire City including the newly annexed area; and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Keller Road anexaation area, more specifically:

Beginning at a point 1110.5' west of the southeast corner of the southwest 1/4 Section 8-29-12; thence continuing west on the south line of Section 8-29-12 to the intersection with the west line of the east half of the southwest 1/4 Section 8-29-12, thence north on said line to the north line of south half of Section 8-29-12; thence east on said line to the present City limits as established in Annexation Ordinance X-57-03-15, hence south along the present City limits to a point where the present City limits deflects to the right; thence south 69 degrees 56' west a distance of 1645'; thence south 0 degrees 36' west a distance of 308'; thence south 89 degrees 24' east a distance of 1363.0'; thence south 44 degrees 46' west to the south line of Section 8-29-12; thence west 1110.5' to the point of beginning; containing 75.328 acres of land, more or less.

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Keller Road annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of noncapital and capital services to the annexation area.

SECTION 2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services to be provided delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council and shall be in force upon the effective date of the Keller Road annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-76-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-09-34

RESOLUTION NO. R-77-81

A Resolution setting a time the Executive Department of the City of Fort Wayne, Indiana to present the Budget Estimates to the Common Council of the City of Fort Wayne, Indiana

WHEREAS, the process for annual preparation of budget estimates of the Civil City of Fort Wayne, Indiana, is prescribed by I.C. 36-4-7-6 and I.C. 36-4-7-7; and,

WHEREAS, above process limits the legislative powers of the Common Council to ratification or reduction and ratification of the budget as published; and,

WHEREAS, historically, the introduction of the budget and its publication occurred at such time eliminating substantive comment and/or change by the Council.

NOW THEREFORE BE IT RESOLVED that the Executive Department be required to provide the Common Council with a draft copy of its proposed budget no later than the first day of June each year preceeding the time for fixing the budget, tax rate and tax levy as required by I.C. 6-1.-17-5; and,

BE IT FURTHER RESOLVED that such draft should highlight major changes in both funding and concept thus allowing for legislative input prior to its published format.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico

Nays: Three

Burns, D. Schmidt, Schomburg

Date: 10-13-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-77-81 on the 13th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of October, 1981, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me 15th day of October, 1981, at the hour of 10:00 o'clock A.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-05

SPECIAL ORDINANCE NO. S-224-81

AN ORDINANCE approving a certain bid document for Retrofitting of compartments on 1 to 10 Fire Trucks for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 999 dated July 15, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Three Rivers Industries, Inc. for retrofitting of compartments on 1 to 10 Fire Trucks at a total approximate cost of \$23,856.36, all as more particularly set forth in said bid document reference number 999 and Purchase Order Number A-006536, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-224-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-06

SPECIAL ORDINANCE NO. S-225-81

AN ORDINANCE adopting and approving the
"Recovery Action Program" for the City of
Fort Wayne Parks and Recreation Department

WHEREAS, the City has recognized the need to study the Parks and Recreation Department operations and to make an assessment of recreational services as provided to this community;

WHEREAS, the Board of Park Commissioners of the City of Fort Wayne, Indiana, have applied for and have received a planning grant to prepare a Recovery Action Program;

WHEREAS, said program deals with management strategies, goals and objectives and a physical development schedule for capital improvements;

WHEREAS, the Board of Park Commissioners of the City of Fort Wayne, Indiana, previously held a public hearing to solicit input from the public with respect to the Recovery Action Program.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne, Indiana, does hereby approve and adopt the Recovery Action Program set forth under a grant from the U.D. Department of the Interior, and under the provision of the Urban Park and Recreation Recovery Act of 1978 (Title X, Public Law 95-625), copy of which is on file with the City Clerk of the City of Fort Wayne, Indiana and with the Board of Park Commissioners of the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-225-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-07

SPECIAL ORDINANCE NO. S-226-81

AN ORDINANCE approving and ratifying
contracts for the construction of the
Botanical Conservatory

WHEREAS, the City has let bids for the construction of its Botanical Gardens and the successful bidders are Hagerman Construction Corp. for the amount of \$3,673,000.00, Moorehead Electric Company for the amount of \$261,300.00, and DVT, Inc. for the amount of \$771,606.00, and

WHEREAS, the City, through its Board of Park Commissioners, is desirous of approving contracts for the construction of the Botanical Conservatory by and between the City and said successful bidders referred to herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed contracts by and between the City, through its Board of Park Commissioners, and Hagerman Construction Corp. in the amount of \$261,300.00, and DVT, Inc. in the amount of \$771,606.00; are and in all respects hereby ratified.

SECTION 2. That said contracts and the payments required under same are subject to all appropriate budgetary procedures.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special OrdinanceNo. S-226-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-14

RESOLUTION NO. R-80-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$10,000,000 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT, FORT
WAYNE HOTEL ASSOCIATES, LTD. TO PROCEED
WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Fort Wayne Hotel Associates, Ltd. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be approximately a 275 room module hotel with customary hotel amenities including but not limited to bars, restaurants, specialty shops and catering, located on a 40,510 square foot parcel on a portion of the block bordered by Jefferson, Washington, Calhoun and Harrison, in the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 313 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-80-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-29

RESOLUTION NO. R-81-81

A RESOLUTION authorizing payment to
vendor for replacement of damaged
equipment

WHEREAS, (1) damage has occurred to signal equipment under the jurisdiction of the Traffic Engineer, which, therefore, requires replacement; (2) insurance money in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) replacement bid for the signal equipment damaged has been received from the following company:

<u>Item</u>	<u>Insurance Payment</u>	<u>Vendor</u>
Signal Equipment	\$593.00	Crescent Electric

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above-named agency for replacement of equipment as set out.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico
Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-81-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-46

RESOLUTION NO. R-82-81

A Resolution marking the 100th anniversary
of the Founding of the Federation of Organized
Trades and Labor Unions

WHEREAS, November 15, 1981, marks the 100th anniversary of the founding of the Federation of Organized Trades and Labor Unions, which evolved into the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and inaugurated the establishment of the modern American trade unions movement; and,

WHEREAS since that time trade unions have played an increasingly effective part in winning for their members the right to decent wages, safe and healthful working conditions, and dignified enjoyment of their leisure time and retirement years; and,

WHEREAS, American's local communities have benefited directly from the activities of AFL-CIO trade unions, both on behalf of their members and in the championing of the rights and progress of all American, and,

WHEREAS, the trade union movement is an effective and accepted part of our local social and economic fabric, providing for stability and progress through its continuing contributions toward the advancement of job opportunities to all who wish to work; and,

WHEREAS, trade unions are in the forefront of the battles to do away with discrimination, to improve the quality of community life, and to open new opportunities for individual advancement, on behalf of those who often have no other effective champion; and,

WHEREAS, we now take for granted many of the accomplishments of AFLCIO trade unions in the area of decent wages and working conditions, in erecting bars against the exploitation of the weak and defenseless, in providing opportunities for training and education of the unskilled, and in the safeguarding of the community interest against the assault of special interest; and,

WHEREAS, the continued existence of strong and effective trade unions among us is a measure of the place they have won in the basic fabric of our society, to be cherished and fostered as a matter of civic pride,

THEREFORE, BE IT RESOLVED: That the Common Council of the City of Fort Wayne, Indiana, hereby congratulates the AFL-CIO and the Allied Industrial Workers of America's AF of L, CIO on the century of progress it has achieved, and joins in commemorating Labor's Centennial; and,

BE IT FURTHER RESOLVED that a copy of this resolution be furnished to the officers of the Allied Industrial Workers of America's AF of L, CIO.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-82-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-08-10

GENERAL ORDINANCE NO. G-22-81

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a street and alley

WHEREAS, (1) a petition to vacate Sidney Street and the East/West Alley between Roy Street and Lombard Street, (as more specifically described below) was duly filed with the City Plan Commission, and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512 (2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

Sidney Street located between the North right-of-way of McDonald Street and the South right-of-way of Pennsylvania Avenue and contiguous to Lots 1 and 12 in Block 7 and 6 and 7 in Block 8 in Bond and Lombard 2nd Addition, Fort Wayne, Indiana; and,

An East-West alley contiguous to the South line of Lots 1 through 6 Block 7 and 4 through 6 Block 8 and the North line of Lots 7 through 12 Block 7 and 7 through 9 Block 8 in Bond and Lombard 2nd Addition to the City of Fort Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-22-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-08-23

GENERAL ORDINANCE NO. G-23-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of Lewis Street

WHEREAS, (1) a Petition to vacate a portion of Lewis Street (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said Petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Petition filed herein to vacate:

A portion of Lewis Street in the City of Fort Wayne, Allen County, Indiana, said portion all lying for its full Right-of-Way width between the East Right-of-Way line of Harrison Street and the West Right-of-Way line of Calhoun Street, a partial first portion platted with and lying within Spencer's First Addition to the City of Fort Wayne, Allen County, Indiana according to the Plat thereof are recorded in Deed Book "X", Page 210 and remaining second portion platted with and lying within Spencer's Second Addition to the City of Fort Wayne, Allen County, Indiana according to the Plat thereof recorded in Deed Record 65, Page 337 and 338; both as recorded in the Office of the Recorder of Allen County, Indiana described as follows:

Beginning at a point at the Northwest corner of Lot 13 in Spencer's First Addition, said point being at the intersection of the East Right-of-Way line of Harrison Street and the south Right-of-Way line of Lewis Street; thence an included angle of 94° 16' 33" Northerly and to the left from the South Right-of-Way line of Lewis Street along the East Right-of-Way line of Harrison Street a distance of 40.27 feet to the Southwest corner of Lot 394 as recorded in Plat Book "0", page 17 of the West Part of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana; thence 85° 43' 27" Easterly along the North Right-of-Way line of Lewis Street a distance of 377.86 feet to the Southeast corner of Lot 388 as recorded in Plat Book "0" Page 17, as referenced above; thence South 100° 46' 33" along the West Right-of-Way line of Calhoun Street a distance of 40.90 feet to the Northeast corner of Lot One (1) in Spencer's Second Addition to the City of Fort Wayne, Allen County, Indiana; thence Westerly 79° 13' 57" along the South Right-of-Way line of Lewis Street a distance of 382.50 feet to the point of beginning, containing 0.35

acres more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-27-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-23-81 on the 27th day of October, 1981.

ATTEST
Charles W. Westerman
City Clerk
(SEAL)
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-08-24

GENERAL ORDINANCE NO. G-24-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of an alley

WHEREAS, (1) a Petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said Petition, all in accordance with I.C. 18-7-4-512(2) (Burns ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the Petition filed herein to vacate:

A portion of the East-West public alley in the West Part of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, said portion all lying between Lots 390 and 391 on the south and Lots 414 and 415 on the north according to the Plat thereof recorded in Plat Book ")", Page 17 in the office of the Recorder of Allen County, Indiana, described as follows: Beginning at

a point on the West right-of-way line of Calhoun Street at the northeast corner of Lot 390, thence west along the south line of the East-West public alley a distance of 180.00 feet to the northwest corner of Lot 391, thence North 90 00' 00" a distance of 14.00 feet to the southwest corner of Lot 414, thence 90° 00' 00" east along the north line of the East-West public alley a distance of 180.00 feet to the Southeast corner of Lot 415 at a point on the West right-of-way line of Calhoun Street, thence south along the west right-of-way line of Calhoun Street a distance of 14.00 feet to the point of beginning, containing 2520 square feet, more or less,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-24-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-16

SPECIAL ORDINANCE NO. S-227-81

AN ORDINANCE approving a contract for Street, Curb, Sidewalk, Drainage, Screenwalls and Paving Improvement Resolution No. 5922-81 - Division I, Broadway Streetscape Project, between the City of Fort Wayne, Indiana and Brooks Construction Company, Inc., Contractor for improvements.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 16, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Brooks Construction Company, Inc., Contractor for:

the improvement of Broadway from 300 feet South of Lavina North 1400 feet to Washington Boulevard, consisting of Division I - street and sidewalk improvements, consisting of the construction of approximately 2,750 lineal feet of concrete combination curb and gutter 2,247 square yards of concrete sidewalk, 9,215 square feet of paving stones, 400 tons of asphalt resurfacing and miscellaneous storm sewer inlets and catch basins. This Division also includes the construction of a 34-space parking lot at the Southeast corner of Wilt and VanBuren Streets consisting of approximately 320 tons of asphalt, 400 tons of stone base, and 1,200 square feet of sidewalk and curbwalk,

under Board of Public Works Improvement Resolution No. 5922-81- Division I, at a total cost of \$278,237.03, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-27-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-227-81 on the 27th day of October, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-17

SPECIAL ORDINANCE NO. S-229-81

AN ORDINANCE approving a contract for
Improvement Resolution No. 5922-81 -
Division II, Broadway Streetscape
Project, between the City of Fort Wayne,
Indiana and T & F Construction Corporation,
Contractor for improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 23, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & F Construction Corporation, Contractor for:

the improvement of Broadway from 300 feet south of Lavina North 1400 feet to Washington Blvd., consisting of Division II - Landscaping and plantings consisting of the installation,

guying and staking of approximately 79 street trees; the installation of 10 shrubs, and the seeding or sodding of disturbed grass areas along the project,

under Board of Public Works Improvement Resolution No. 5922-81 - Division II, at a total cost of \$18,948.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-229-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-18

RESOLUTION NO. R-83-81

A RESOLUTION approving the renaming of
the City's Water Pollution Control Plant
to the Paul L. Brunner Water Pollution
Control Plant

WHEREAS, Paul L. Brunner served as Superintendent of the City of Fort Wayne's Water Pollution Control Plant for many years; and

WHEREAS, as Superintendent, said Paul L. Brunner expertly and devotedly served the City of Fort Wayne and made numerous contributions to the City; and

WHEREAS, it is fitting and proper that because of his achievements and dedication, that the City's Water Pollution Control Plant be named in his honor.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Water Pollution Control Plant, of the City of Fort Wayne, Indiana, be named in honor of Paul L. Brunner and to thus be known as "The Paul L. Brunner Water Pollution Control Plant".

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-83-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-19

SPECIAL ORDINANCE NO. S-230-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009727 with
Underground Pipe and Valve, Inc. for
Ductile Pipe for the Water Maintenance
and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-009727, dated October 7, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Underground Pipe and Valve, Inc., for:

approximately 5,000 feet of 6" Ductile
Pipe for the Water Maintenance and
Service Department,

at a cost of \$21,650.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico
Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-230-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-20

SPECIAL ORDINANCE NO. S-231-81

AN ORDINANCE approving a contract for
Water Improvement Contract No. 81-XP-1,
Airport Drive Water Main, between the
City of Fort Wayne, Indiana, and Scheidleman
Excavating, Inc., Contractor for improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 30, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Scheidleman Excavating, Inc., Contractor for:

installation of water main including all
necessary fitting as follows: On Airport
Drive, from an existing 16" water main
2000 \pm feet south of Baer Field Thruway,
Southward 819 \pm feet,

under Board of Public Works Water Improvement Contract No. 81-XP-1, at a total cost of \$22,679.78, 50% to be paid for by City Utilities with 50% matching funds from the State, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-231-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-21

SPECIAL ORDINANCE NO. S-232-81

AN ORDINANCE approving a contract for
Street Lighting Improvement Resolution
No. 154-81 for E. Rudisill Blvd., between
the City of Fort Wayne, Indiana, and
Weikel Line Co., Inc., Contractor for
improvements

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated September 30, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Weikel Line Co., Inc., Contractor for:

the lighting of the East Rudisill Blvd.
(Lafayette to South Anthony) Area with an
underground ornamental lighting system,

under Board of Public Works Street Lighting Improvement Resolution No. 154-81, at a total cost of \$35,380.34, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-232-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October,

1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO.-81-10-22

SPECIAL ORDINANCE NO. S-233-81

AN ORDINANCE amending Chapter 24 of the
Municipal Code of the City of Fort Wayne,
Indiana, entitled "Sewer and Sewerage
Systems" in order to provide for a special
capital surcharge to be collected from
certain users.

WHEREAS, the Common Council of the City of Fort Wayne has heretofore authorized the purchase by the City of Fort Wayne, certain sewerage properties, plants, lines and systems from Maplewood Park Utilities, Inc. and Diversified Utilities, Inc. located in St. Joseph and Adams Townships, Allen County, Indiana (hereinafter called Adams Sewer System) for the sum of Two Million, Two Hundred Sixty Thousand, (2,260,000.00) Dollars; and

WHEREAS, in order to procure the funds to pay for such purchase, the City of Fort Wayne, Indiana, borrowed the said purchase price from the Lincoln National Bank and Trust Company and issued its promissory note to said bank payable in part from the proceeds of a future issuance and sale of its Sewage Works Revenue Bonds; and

WHEREAS, the Common Council finds that a capital surcharge should be imposed on the persons now or heretofore being served by said St. Joe-Adams Sewer System in order to provide the necessary funds for the payment of the principal amount and the interest on the funds for the payment of the principal amount and the interest on the funds borrowed from the Lincoln National Bank and Trust Company as well as from the sale and issuance of said bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 1 of the Special Ordinance No. S-100-79 entitled "An Ordinance amending certain sections of Chapter 24, Sewer and Sewage Systems so as to adjust rates and other provisions prescribed therein" adopted July 5, 1979, be and the same is hereby amended to include the following additional subsection in Article VII thereof to read as follows:

ARTICLE VII USER CHARGES

705A SPECIAL CAPITAL SURCHARGE

Each user discharging wastes into the sewage systems acquired by the City of Fort Wayne, Indiana, from

and located in St. Joseph Township and Adams Township, Allen County, Indiana, as well as all future extensions thereof shall be subject to and shall pay a special capital surcharge in the amount of \$4.65 per month in addition to all other sewer service charges or other charges imposed by this Ordinance. Said capital surcharge shall be collected from said users until such time as the principal of and all interest and other costs arising from the borrowing of funds by the City for the acquisition of said sewer system shall have been paid in full from the total of the capital surcharge herein imposed.

SECTION 2. That this Ordinance shall be in full force and effect upon passage by the Common Council and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-27-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-233-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-23

RESOLUTION NO. R-84-81

A RESOLUTION approving the issuance and sale of Park District Bonds of the Board of Park Commissioners of the Park District of the City of Fort Wayne, Fort Wayne, Indiana, in the sum of \$6,950,000.00 for the purpose of providing funds for the acquisition for the Rivergreenway Park Development and the construction of new parks and improvements to existing parks, street tree planting, and the acquisition of park equipment

WHEREAS, The Board of Park Commissioners of the Park District of the City of Fort Wayne has duly adopted and confirmed Park Board Declaratory Resolution #1-1981 for the acquisition of land for the Rivergreenway Park Development and the construction of new parks and improvements to existing parks, street tree planting and the acquisition of park equipment, according to plans, specifications and estimates on file with said Park Board; and

WHEREAS, said Park Board has also duly adopted Preliminary Bond Resolution #1-1981, providing for the issuance of Park Board Bonds in the sum of \$6,950,000.00 to fund said improvements and a petition has been filed by more than fifty (50) owners of taxable real estate of the City of Fort Wayne requesting said Board of Park Commissioners to issue Park District Bonds for the purpose of providing funds for said improvements, which petition has been certified by the Allen County Auditor to contain 666 property owners; and

WHEREAS, said Park Board has duly adopted Appropriation Resolution #1-1981, providing that the sum of \$6,950,000.00 be appropriated out of the proceeds of the bonds to be issued by said Board of Park Commissioners in paying the cost of funds said improvements, plus all necessary expenses, including architect and engineering fees, the cost of the sale of the bonds, and the incidental expenses incurred in connection therewith; and

WHEREAS, notice of said proceedings has been duly advertised and published as required by law and no objections or remonstrances by taxpayers have been filed in objection thereto; and

WHEREAS, the Common Council finds that the acquisition of said land and the construction of new parks and improvements to existing parks, street tree planting and the acquisition of park equipment as described in Park Board Declaratory Resolution #1-1981 and as shown on plans and specification filed with said Resolution in the office of said Park Board is in the best interest of and will be for

the general benefit of the City and its citizens; and

WHEREAS, the Common Council agrees that such project must be funded by the issuance of Park District Bonds; and

WHEREAS, It is necessary for there to be an appropriation in an amount not to exceed \$6,950,000.00 in order that said project proceed.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the proposed issuance of Park District Bonds by the Board of Park Commissioners of the Park District of the City of Fort Wayne, Indiana, in an amount not to exceed \$6,950,000.00 as set forth in said Park Board's Preliminary Bond Resolution #1-1981, in order to provide funds to be applied to the acquisition of land for the Rivergreenway Park Development and the construction of new parks and improvements to existing parks, street tree planting and the securing of park equipment as described in said Park Board Declaratory Resolution #11981, is hereby approved.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Talarico
Nays: Two
Burns, Stier

Date: 10-27-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-84-81 on the 27th day of October, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of October, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-26 (as amended)

SPECIAL ORDINANCE NO. S-234-81

AN ORDINANCE approving a contract by and between the City of Fort Wayne, Indiana, through its Board of Public Works and National Serv-All, Inc. for the collection, transportation and disposal of garbage and refuse

WHEREAS, the City, through its Board of Public Works, has let bids for the collection of garbage and refuse for the years 1982 through 1987; and

WHEREAS, said contract had been awarded to SCA Services of Indiana, Inc. who had been determined to be the lowest and best bidder by the Board of Public Works subject to the approval of the Common Council of the City of Fort Wayne, Indiana; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, rejected said contract with

SCA Services of Indiana, Inc.; and

WHEREAS, the City is desirous of having a contract for the said collection of garbage and refuse for the said years 1982 through 1987; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is desirous of having the proposed contract with National Serv-All, Inc. before it for its consideration and approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated _____ by and between the City of Fort Wayne by and through its Mayor and its Board of Public Works and National Serv-All, Inc. for collection of garbage and refuse including the transportation and disposal thereof, is hereby, along with all addenda thereto, ratified and approved in all respects.

SECTION 2. Said contract is made a part hereof and is by reference incorporated herein and further said contract is on file in the Office of the Board of Public Works in the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Eisbart

Date: 11-3-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-234-81 on the 3rd day of November, 1981
ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of November, 1981, at the hour of 9:00 A.M., o'clock E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-27

SPECIAL ORDINANCE NO. S-235-81

AN ORDINANCE approving a certain bid document
for purchase of grease and oil for various
City Departments for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1002 dated September 2, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Inland Oils, Inc. for grease and oil requirements for the various City Departments for the remainder of 1981, all as more particularly

set forth in said bid document reference number 1002 and Purchase Order Number 4-09999, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-235-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-28

SPECIAL ORDINANCE NO. S-236-81

AN ORDINANCE approving Change Order
No. 1, Nebraska, Phase VI

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Nebraska, Phase VI, Resolution No. 590281, to Rieth-Riley Construction Co., Inc., in connection with the Nebraska Neighborhood, for:

The planting of thirty-four new trees
which will reforest the Nebraska Neighborhood to Park Board standards,

in the amount of \$6,460.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-236-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-31

RESOLUTION NO. R-85-81

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$350,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, (CARL I. BENTZ, SUSAN C. BENTZ, CHARLES S. BENTZ, SANDRA K. BENTZ) TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Carl I. Bentz, Susan C. Bentz, Charles S. Bentz, and Sandra K. Bentz (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be Lot 16, Block A, Edgewood Industrial Park, Washington Township, Allen County, Indiana, more commonly known as 3805 Transportation Drive, together with a 24,200 sq. ft. structural steel building and improvements and equipment to be located therein (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 20 to 25 job opportunities immediately and 50 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, and ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-85-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-30

RESOLUTION NO. R-86-81

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$300,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, (COMMERCIAL
WAREHOUSE & CARTAGE, INC.) TO PROCEED
WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Commercial Warehouse & Cartage, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition and rehabilitation of a five story reinforced concrete structure with brick facing containing 100,000 sq. ft. including re-roofing and renovating of offices, updating the sprinkler system, renovating the dock area, erecting a security fence and landscaping, said facility is located on part of Lots 26, 27, 28, 29, 30, 31 and the 5 foot fire alley between said Lots 28 and 29 in the Original Plat of the Town (now City) of Fort Wayne, Indiana, containing 38,449 sq. ft., more or less, more commonly known as 200 E. Superior Street, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 15 to 20 job opportunities immediately and 50 to 75 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning,

engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-86-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-02

RESOLUTION NO. R-88-81

AN ORDINANCE authorizing the transfer of
funds from Account No. 4262, Garbage
Contract Budget Line, to Account No. 4263,
Garbage Contract Compliance, in the 1981
Revenue Sharing Appropriation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the sum of \$4,000.00 from Account No. 4262, Garbage Contract Budget Line, to Account No. 4263, Garbage Contract Compliance, in the 1981 Revenue Sharing Appropriation.

SECTION 2. That the transfer of the funds will allow for the payment to Coopers & Lybrand for performance of the contract compliance review.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-88-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-03

RESOLUTION NO. R-89-81

A RESOLUTION authorizing the transfer of funds from Account No. 4210, Personal Services and No. 4243, Photography & Blueprinting to Account No. 4721, Furniture and Fixtures in the 1981 Budget of the Redevelopment General Budget

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the sum of \$400.00 from Account No. 4210; and the sum of \$300.00 from Account No. 4243, to Account No. 4721, Furniture and Fixtures, of the 1981 Budget of the Redevelopment General Budget.

SECTION 2. That the transfer of the funds will allow for the purchase of six sidearm chairs for the director's office to replace chairs that are over 20 years old and in need of replacement.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-89-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-04

RESOLUTION NO. R-90-81

A RESOLUTION authorizing the transfer of funds from Account No. 4220, Utilities; No. 421, Recreation Services; and No. 4510, Insurance to Account No. 4321, gasoline; No. 4370, Other Supplies; 4374, Recreation Supply; and 4620, Retirement, in the 1981 Budget of the Park Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the sum of \$5,000 from Account No. 4220; the sum of \$21,000 from Account No. 4271; and the sum of \$30,000 from Account No. 4510, to Account No. 4321; Account No. 4370, Account No. 4374; and Account No. 4620, of the 1981 Budget of the Park Department.

SECTION 2. That the transfer of the funds will enable payment for supplies needed for the remainder of 1981 and payment of retirement obligations.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-90-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November,

1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-04

ZONING MAP ORDINANCE NO. Z-32-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-B, Shopping Center, (Market Place of Canterbury):

A parcel of and located in the Northwest One-Quarter of Section 20 and the Northeast One-Quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit: Commencing at the East One-Quarter corner of Section 19, Township 31 North, Range 13 East; thence North along the East line of the Northeast One-Quarter of said Section 19 and said line also being the centerline of St. Joe Road a distance of 1,224.5 feet to a point situated on the East line of Lot #9 in Parker Homestead Addition, said point being the point of beginning. BEGINNING at the above described point, thence Westerly by a deflection left of $89^{\circ} - 56' - 30''$ along the North right-of-way line of Roebuck Boulevard a distance of 301.7 feet; thence continuing westerly along said North right-of-way line on a curve to the right having a radius of 1010.9 feet a distance of 106.45 feet; thence westerly along said North right-of-way line on the tangent to the aforementioned curve a distance of 60.0 feet; thence along said north right-of-way line on a curve to the left having a radius of 170.0 feet a distance of 194.51 feet to a point on the North right-of-way line of Woodshire Drive; thence West along said North right-of-way line a distance of 25.92 feet to a point on the West line of Lot #2, J.D. Parker Estates, thence by a deflection right of $90^{\circ} - 03'$ along said West line of Lot #2 a distance of 1,128.0 feet; thence East by a deflection right of $89^{\circ} - 57'$ and parallel to the South line of said Lot #2 a distance of 196.8 feet to the Northwest corner of Lot #3 in Parker Homestead Addition; thence by a deflection left of $89^{\circ} - 57'$ a distance of 370.6 feet to the Northwest corner of Lot #1 in Parker Homestead Addition; thence by a deflection right of $90^{\circ} - 33'$ along the North line of said Lot #1 also being the centerline of Joseph Center Road a distance of 848.32 feet to the intersection of St. Joseph Center Road with St. Joe Road, said point being the Northeast corner of Lot #1 in Parker Homestead Addition; thence by a deflection right of $125^{\circ} - 47' - 36''$ along the centerline of St. Joe Road a distance of 326.69 feet to the point of curvature; thence along the centerline of St. Joe Road on a curve to the left having a radius of 881.48 feet an arc length of 583.88 feet to the point of tangency; thence South along the centerline of St. Joe Road a distance of 618.4 feet to the point of beginning. Parcel contains 20.77 acres of land more or less and subject to all recorded easements and rights-of-way.

SECTION 2. The "B-2" Shopping Center Symbol now located at the Market Place of Canterbury, City of Fort Wayne, Indiana zoning map under the terms of Chapter 33, Municipal Code of the City of Fort Wayne Zoning Map Number Q-34, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-32-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-06 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-33-81

AN ORDINANCE amending the City of Fort Wayne Zoning
Map No. J-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Part of Lot #1 in John Godfrey's Partition of Lot #7 in Richardville Reserve in Wayne Township, Allen County, Indiana, specifically described as follows:

Commencing at a point on the West line of Lot #1 in John Godfrey's Partition of Lot #7 in Richardville Reserve at a point situated 638.3 feet north 25 degrees east of the southwest corner of said Lot #1; thence south 65 degrees east a distance of 174.2 feet to the point of beginning; thence continuing south 65 degrees east a distance of 132 feet to a point; thence north 25 degrees east a distance of 95 feet; thence north 65 degrees west a distance of 132 feet to a point; thence south 25 degrees west a distance of 95 feet to the point of beginning containing 0.29 acres, more or less,

and the symbols of the City of Fort Wayne Zoning Map No. J-27, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval of the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-33-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-08

ZONING MAP ORDINANCE NO. Z-34-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 145 and 146 in Delta Heights Addition to the City of Fort Wayne, Allen County, Indiana, according to the Plat thereof, recorded in Plat Record 11, Page 85, in the Office of the Recorder of Allen County, Indiana, except that part taken for roadway purposes,

and the symbols of the City of Fort Wayne Zoning Map No. S14, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-34-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November,

1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-23

ZONING MAP ORDINANCE NO. Z-35-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northwest 1/4 and Southwest 1/4 of Section 26, Township 31 North, Range 12 East, described as follows:

Commencing at a point on the West line of said Section 26, a distance of 128.0 feet North of the West quarter corner of said Section 26; thence East and parallel to the South line of the Northwest quarter of said Section 26, a distance of 886 feet to a point situated 850.0 feet West of the centerline of Lima Road and 128.0 feet North of the South line of the Northwest quarter of said Section 26; thence South and parallel to the centerline of Lima Road, a distance of 256.0 feet, more or less, to the North line of real estate conveyed by Harold D. Gamrath and Thelma M. Gamrath to LaDean B. Dick and Mary Alice Dick, by deed dated January 30, 1962, recorded at Deed Record 598, page 113, in the Office of the Recorder of Allen County, Indiana; thence East on the North line of said real estate conveyed to LaDean B. Dick and Mary Alice Dick, a distance of 128.9 feet; more or less, to the Northeast corner of said real estate to a point situated 714.3 feet West of the centerline of Lima Road; thence South a distance of 491.1 feet to a point situated 719.4 feet West of the centerline of Lima Road; thence Westward by a deflection right of 90 degrees a distance of 175.3 feet to the East line of Sherman Street as established on the Northeasterly border of Franke Park and recorded in Plat Book 13, page 119, in the Office of the Recorder of Allen County, Indiana; thence Northwesterly along the aforesaid street line to the West line of said Section 26; thence Northerly along the Section line to the point of beginning; excluding all public rights-of-way and streets,

and the symbols of the City of Fort Wayne Zoning Map No. L22, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-35-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-25

ZONING MAP NUMBER Z-36-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map Number M-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-A District (Tara Convenience Center):

A part of the Northeast Quarter of Section 23, Township 31 North of Range 12 East in Allen County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of said Quarter Section; running thence North 90 degrees 00 minutes 00 seconds West upon and along the South line of said Quarter Section a distance of 330.00 feet to a point; running thence North 00 degrees 22 minutes 00 seconds West and parallel with said Quarter Section East line a distance of 612.00 feet to a point; running thence North 90 degrees 00 minutes 00 seconds East and parallel with said Quarter Section South line a distance of 330.00 feet to a point on said Quarter Section East line and the Centerline of said State Road 27; running thence South 00 degrees 22 minutes 00 seconds East upon and along said East line and Centerline a distance of 612.00 feet to the Beginning Point; containing 4.636 acres, more or less.

Subject, however, to a 25 foot strip of ground along the entire North side thereof for the right-of-way of a future street; subject also; to the right-of-way for State Road 27 along the entire Eastermost side thereof; subject further, to any other legal easements or rights-of-way of record.

SECTION 2. The "B-2" Shopping Center Symbol now located at the intersection of Essex Lane and Coldwater Road (U.S. #27), City of Fort Wayne, Indiana zoning map under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne Zoning Map Number M-34, referred to therein, established by Section 33-11, of said Chapter is hereby deleted.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Stier, Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-26-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-10-15

ZONING MAP ORDINANCE NO. Z-37-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 129, 130, 131 in City and Suburban 9th Addition;

Lots 1 through 5 in Kichlers Subdivision;

Lots 1, 2, 3 and 6 in Dougherty & Porters Subdivision;

Lots 22 through 24 and Lots 38 through 43 in North Wayne Addition; and

Lots 102 through 118, Lots 186 through 199, and Lots 227 through 256 in Pheiffer Place Addition.

and the symbols of the City of Fort Wayne Zoning Map Nos. L14, referred to therein, established by Section 3311 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-37-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-10-34

GENERAL ORDINANCE NO. G-25-81

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City
of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 4, Section 48 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 4 the following:

THRU STREETS

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Tennessee Ave.	Spy Run Ave.	California Ave. except at Spy Run Ave., St. Joseph Blvd., Crescent Ave., and California

SECTION 2. That Schedule 5, Section 29 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

Projects Dr.	-stop-	for Collins Rd.
Sallie Ave.	-stop-	for Tecumseh St.
Woodland Ave.	-stop-	for Webster St.

SECTION 3. That Schedule 7, Section 90 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 7 the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Camden Dr.	East Side	Essex Lane	Archwood Dr.
Lower Huntington Rd.	South Side	Ideal Ave. East	N & W Railroad Crossing

SECTION 4. That Schedule 7, Section 90 of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting from Schedule 7 the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry St.	South Side	Court St.	50' East of Calhoun St.
Berry St.	South Side	Calhoun St.	60' East of Harrison St.

Berry St.	North Side	20' West of Calhoun St.	151' West thereof
Berry St.	South Side	Harrison St.	30' East of Webster St.
Berry St.	South Side	Webster St.	155' East of Ewing St.
Calhoun St.	West Side	Dock St.	50' North of Main St.
Wells St.	East Side	85' North of Superior St.	Wood Avenue
Wells St.	Both Sides	Conrail Railroad Crossing	Ewing St.

SECTION 5. That Schedule 10, Section 93 (a) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 10 the following:

ONE HOUR PARKING 8 A.M. TO 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry St.	South Side	Court St.	50' East of Calhoun St.
Berry St.	South Side	Calhoun St.	60' East of Harrison St.
Berry St.	North Side	20' West of Calhoun St.	36' West thereof
Berry St.	South Side	Harrison St.	Maiden Lane
Berry St.	South Side	Maiden Lane	30" East of Webster

SECTION 6. That Schedule 11, Section 93(b) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 11 the following:

90 MINUTE PARKING 8 A.M. to 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wells St.	East Side	85' North of Superior St.	Wood Avenue
Wells St.	Both Sides	Conrail Railroad Crossing	Ewing St.

SECTION 7. That Schedule 12, Section 93(c) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 12 the following:

TWO HOUR PARKING 8 A.M. to 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry St.	South Side	Webster	155' East of Ewing St.
Calhoun St.	West Side	Dock St.	The Landing

SECTION 8. That Schedule 20, Section 93(f) of the Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding to Schedule 20 the following:

15 MINUTE PARKING 8 A.M. to 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Calhoun St.	West Side	The Landing	50' North of Main St.

SECTION 9. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-25-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-08-25

DECLARATORY RESOLUTION NO. R-8-7-81
DECLARATORY RESOLUTION designating an
"Urban Development Area" under I.C. 6-1-12.1

WHEREAS, Petitioner has duly filed its Petition dated August 12, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lots 38-42 in Whites Second Addition, and Lots 91-93 in Winches First, Second and Third Additions,

located at and commonly known as:

1511 Wabash Fort Wayne, Indiana.

WHEREAS, It appears that said Petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 61.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of Municipal Code of City of Fort Wayne, Indiana of 1974.
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-87-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-09

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. M-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot #23 Fernhill Place Addition,

and the symbols of the City of Fort Wayne Zoning Map No. M-26, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Six

Burns, Eisbart, GiaQuinta, D. Schmidt, Schomburg, Talarico

Nays: Three

Nuckols, V. Schmidt, Stier

Date: 11-10-81

Charles W. Westerman
City Clerk

BILL NO. Z-81-09-05

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. M-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot #3 in Baltes, Koenig and Wagners
Addition,

and the symbols of the City of Fort Wayne Zoning Map No. M-10, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Five
Burns, Eisbart, D. Schmidt, Schomburg, Talarico
Nays: Four
GiaQuinta, Nuckols, v. Schmidt, Stier

Date: 11-10-81
Charles W. Westerman
City Clerk

BILL NO. R-81-11-28

RESOLUTION NO. R-LOST

A RESOLUTION concerning replacement of
traffic control signal at Lavina Street
and Broadway in the City of Fort Wayne,
Indiana

Heretofore, the City of Fort Wayne, Indiana, has removed the traffic control signal light existing at Broadway and Lavina Streets in place for many years.

The Common Council of the City of Fort Wayne, Indiana, has been advised by representative of the West Central Neighborhood Association that said traffic control signal should be replaced at the intersection of Broadway and Lavina Streets because, among other things, the following;

1. Thirty-five (35) school children ages 5 - 11 years living east of Broadway may use this intersection to and from school. Mr. Shriner, Washington School Principal, attests to a need to the school in his letter to Mr. Stout, Traffic Engineer of the City of Fort Wayne, Indiana, of October 20, 1981.
2. Children and senior citizens from east of Broadway use said intersection for access to West Central Senior Activities as attested to in October 20, 1981, letter to Common council of the City of Fort Wayne, Indiana.

3. Lavina Stret, between Broadway and Van Buren Street was recently widened two (2) lanes with the curbs and sidewalks in accordance with point in City West Central Plan. This reaffirmation at substantial expense was designed to include signalization.
4. The Broadway streetscape that is currently being created, was designed in cooperation with the children's association. When this street was designed and approved by the association, it was understood that the signal at Broadway and Lavina would remain in place. The new scape was designed to create better pedestrian and vehicular movement at Broadway and Lavina Street.

BE IT THEREFORE RESOLVED, by the Common Council of the City of Fort Wayne, Indiana, that the traffic control signal light be placed in the intersection of Lavina and Broadway Streets in the City of Fort Wayne, Indiana.

Mark E. GiaQunita
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Eisbart, Nuckols, Stier, Talarico
Nays: Three
GiaQuinta, D. Schmidt, V. Schmidt
Abstained: Two
Burns, Schomburg

Date: 11-10-81

Charles W. Westerman
City Clerk

BILL NO. S-81-10-35

SPECIAL ORDINANCE NO. S-237-81

AN ORDINANCE approving a contract for
Curb and Street Lighting Improvement
Resolution No. 5911-81, between the City of
Fort Wayne, Indiana and L.W. Dailey, Inc.,
Contractor for improvements on Buena
Buena Vista Drive

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and L.S. Dailey, Inc., Contractor, for:

Constructing curbs on both sides of the 2500
block and 2600 block of Buena Vista from Dodge
Avenue to Lawndale Drive, and also installing
ornamental lighting within the same boundaries,

under Board of Public Works Curb and Street Lighting Improvement Resolution No. 591181, at a total cost of \$30,857.15 to be paid for by Barrett Law Revolving Fund, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-237-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-36

SPECIAL ORDINANCE NO. S-238-81

AN ORDINANCE approving a contract for
Street Improvement Resolution No.
5920-81, Creighton Avenue Capital Improvement,
Phase B, between the City of Fort Wayne,
Indiana and Hipkind Concrete Corporation,
Contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corporation, Contractor, for:

Constructing curbface walks and driveway
approaches on both sides of Creighton
Avenue from the east curb line of Gay
Street to the west curb line of Bowser
Avenue; also known as Creighton Avenue
Capital Improvement, Phase B,

under Board of Public Works Street Improvement Resolution No. 592081, at a total cost of \$23,818.75, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-237-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-37

SPECIAL ORDINANCE NO. S-238-81

AN ORDINANCE approving a contract for
Curb and Sidewalk Improvement Resolution
No. 5916-81, Larez Neighborhood, Phase IV-B
between the City of Fort Wayne, Indiana,
and Hipkind Concrete Corporation, Contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corporation, Contractor, for:

constructing curb and sidewalks where needed on Warsaw Street, both sides, from Taber to Pontiac; on Caroline, both sides, from Sittenfield to Pontiac (wide curbface walk),

under Board of Public Works Curb and Sidewalk Improvement Resolution No. 591681, at a total cost of \$29,749.60, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. s-238-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-38

SPECIAL ORDINANCE NO. S-239-81

AN ORDINANCE approving a contract for
Sidewalk Improvement Resolution No.
5921-81, Oxford Nieghborhood, Phase
VI-C, between the City of Fort Wayne, Indiana,
and Gateway Construction Company,
Inc., Contractor

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated October 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gateway Construction Company, Inc., Contractor, for:

Constructing new sidewalks where needed on the following streets: (1) Reed Street - both sides north of Rudisill to the south of Oxford; (2) Robinwood Drive - both sides north of Grier to south of Oxford; (3) Bowser Avenue - both sides from north of Rudisill to south of Grier, also known as Oxford Neighborhood, Phase VI-C,

under Board of Public Works Sidewalk Improvement Resolution No. 592181, at a total cost of \$36,691.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-239-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-39

SPECIAL ORDINANCE NO. S-240-81

AN ORDINANCE approving an Agreement with
Ray Lee Anderson, for construction of a
sanitary sewer extension on Reckeweg Road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated October 13, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Ray Lee Anderson, Developer, for:

Reckeweg Road Sanitary Sewer Extension:
Six-hundred and twenty (620) feet of ten (10) inch pipe with one manhole ten (10) feet deep and ten (10) 10-inch by 6-inch tees for future taps

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-240-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-40

SPECIAL ORDINANCE NO. S-241-81

AN ORDINANCE approving an Agreement
between the City of Fort Wayne, Indiana,
and Howard Needles Tammen & Bergendoff
for engineering services for Change Orders
for WPC Plant Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an Agreement dated October 14, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Howard Needles Tammen & Bergendoff, for:

Interim construction engineering services for Change Orders 25, 26, 27 and 28 Water Quality Control Project Division 1, WPC Plant Additions, Sewer Works Grant No. C180538 01,

in the amount of \$6,000.00 funding for which 75% of services will be covered with E.P.A. Grant Amendment, 10% of services will be covered by the State, and 15% of services will be covered by City Utilities, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-241-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-41

SPECIAL ORDINANCE NO. S-242-81

AN ORDINANCE approving an Agreement between the City of Fort Wayne, Indiana, and Moake Sheldon Kratzat & Associates, Inc., Architect for renovation and addition to Sewer Maintenance Facility

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an Agreement dated October 14, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and Moake Sheldon Kratzat & Associates, Inc., for:

Architectural services for the renovation and addition to the existing Sewer Maintenance Facility located at 445 East Wallace Street, Fort Wayne, Indiana,

in the amount of \$12,010.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-242-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-42

SPECIAL ORDINANCE NO. S-243-81

AN ORDINANCE approving Change Order No. 18R, in connection with the Water Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 18R to McNamee, Porter and Seeley, in connection with the Water Filtration Contract 77-W-2, for:

Some fifteen additional improvements not specified in the original contract which should be installed to operate the facility more efficiently,

in the amount of \$96,508.00, as set out in the specifications, which are on file in the office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-243-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-43

SPECIAL ORDINANCE NO. S-244-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009867 with Allen
County Motors, Inc. for a Cab and
Chassis for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A009867, dated October 20, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Allen County Motors, Inc., for:

One 1982 Cab and Chassis for the Filtration
Plant,

at a cost of \$11,337.12, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-244-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-44

SPECIAL ORDINANCE NO. S-245-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009876 with Bob
Jackson Ford, Inc. for Vans for the
Water Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-009876, dated October 21, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Bob Jackson Ford, Inc., for:

Seven Vans for the Water Maintenance and
Service Department,

at a cost of \$51,775.47, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-245-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-10-45

SPECIAL ORDINANCE NO. S-246-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009866 with
Fruehauf Division, Fruehauf Corp.
for Dump Body, Hoist, and Snow Plow
for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. that City Utilities Purchase Order No. A-009866, dated October 20, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Fruehauf Division, Fruehauf Corp., for:

One Dump Body, Hoist, and Snow Plow for the Filtration Plant,

at a cost of \$5,431.07, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 11-10-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-246-81 on the 10th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of November, 1981, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-10-47

RESOLUTION NO. R-LOST

A Resolution against payment by appropriation of any funds for further legal action pertaining to Bill No. Z-81-01-12 (as amended) of the Common Council of the City of Fort Wayne, Indiana

WHEREAS, pursuant to IC 18-7-4-510 the Plan Commission of the City of Fort Wayne, Indiana, on receipt of a letter signed by the President of the Common Council being a summation of reasons given by those voting for rejection of said proposed Bill No. Z-81-01-12 (as amended), did vote on February 23, 1981, to reject the Common Council's recommendation and voted again in favor of rezoning of 106.6 acres of land therein described into a shopping center classification; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana thereupon did file its action in Cause No. CC-81-372 seeking to set aside the ruling of the Plan Commission of the City of Fort Wayne, Indiana; and,

WHEREAS, after a hearing in Court on said matter the Court did determine, adjudge and decree that the real estate which was the subject matter of said rezoning was rezoned to a B-2D District on June 13, 1981, and that the Plan Commission was entitled to take whatever action was proper in regard to a B-2D District under the ordinance of the City of Fort Wayne, Indiana; and,

WHEREAS, in order to finance said above Court action the Common Council did expend substantially all of the travel funds of the Common Council of the City of Fort Wayne; and,

WHEREAS, if further legal action in the Courts by way of appeal is taken, same will entail expenditure of funds, but the proponents of said appeal have stated that they will not ask the Common Council of the City of Fort Wayne to appropriate any money for said legal fees and expenses, including Court costs, in said appeal, but will raise the funds from other sources.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Fort Wayne, does hereby go on record as refusing to appropriate any money whatsoever for the prosecution of any further legal action in regard to said Bill No. Z-81-01-12 (as amended).

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Schomburg and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Burns, Nuckolls, D. Schmidt, Schomburg
Nays: Five
Eisbart, GiQuinta, V. Schmidt, Stier, Talarico

Date: 11-10-81

Charles W. Westerman
City Clerk

BILL NO. S-81-11-01

SPECIAL ORDINANCE NO. S-247-81

AN ORDINANCE AMENDING THE PROVISIONS
APPLICABLE TO THE CITY OF FORT WAYNE
ECONOMIC DEVELOPMENT FIRST MORTGAGE
REVENUE BONDS, SERIES 1981 (PINES OF AMERICA,
INC. PROJECT) AND OTHER DOCUMENTS
RELATED THERETO

WHEREAS the Common Council of the City of Fort Wayne (the "Common Council") has heretofore adopted Ordinance No. S16681, on July 28, 1981, authorizing the issuance of the City of Fort Wayne Economic Development Revenue Bonds, Series 1981 (Pines of America, Inc. Project) ("the Bonds") and the entering into by the City of Fort Wayne (the "City") in a Loan Agreement, dated as of June 1, 1981, between the City and Pines of America, Inc. (the "Loan Agreement") and a Mortgage and Indenture of Trust, dated as of June 1, 1981, among the City, the Company, and the Lincoln National Bank and Trust Company of Fort Wayne, as Trustee (the "Indenture"); and

WHEREAS the Company and the holders of the Bonds are requesting the City to approve an amendment to the terms of the Bonds and the terms and provisions of the Loan Agreement and Indenture, and

WHEREAS the Common Council is willing to consent to such amendments;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. The findings and the determinations of the Common Council, set forth in the Ordinance referenced above, are hereby confirmed and adopted, except as hereinafter provided.

SECTION 2. The Common Council approves the entering into by the City in a First Amendment to Mortgage and Indenture of Trust, among the City, the Company, and the Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, in the form attached hereto, and authorizes the Mayor and Clerk to execute and deliver on behalf of the City the First Amendment to Mortgage and Indenture of Trust in substantially the form presented hereto with such changes as are acceptable to the Mayor, such acceptance to be evidenced by his signature.

SECTION 3. The terms and provisions of the Loan Agreement, the Indenture, and the Bonds are hereby deemed to be amended as provided in the First Amendment to Mortgage and Indenture of Trust.

SECTION 4. The Mayor and Clerk are authorized to execute and deliver the Bonds to the Lincoln National Bank and Trust, as Trustee, which Trustee is directed to hold the newly executed Bonds and exchange the same with the holder of the Bonds upon receipt of the originally executed Bond.

SECTION 5. The Mayor and Clerk be and they are hereby authorized and directed in the name of and on behalf of the City, to execute any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Ordinance (including the preambles hereto), and the issuance, sale and delivery of the Bonds.

SECTION 6. This Ordinance shall be in force and effect from and after its adoption and approval as provided by law. This Ordinance shall constitute a contract between the City and the holders of the Bonds.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-247-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-05

RESOLUTION NO. R-91-81

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$250,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, L & K PROPERTIES,
A GENERAL PARTNERSHIP TO PROCEED WITH
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, L & K Properties, a general partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition and renovation of building to be used as general practice law office located at 918 South Calhoun Street, Fort Wayne, Indiana, including equipment and costs of issue, said facility located more particularly at Lot number 7, and 20 by 20 feet of Lot number 8 in Charles Schmitz Subdivision of Lots 454, 455, and 456, in Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, and that part of the 10 foot alley lying between Lot number 7 and said Lot number 8 (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 11 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$250,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivina G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-91-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-06

RESOLUTION NO. R-92-81

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,350,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANTS, (STATES ENGINEERING CORPORATION AND BUTZOW REALTY, AN INDIANA PARTNERSHIP), TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHERESS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, States Engineering Corporation and Butzow Realty, an Indiana partnership (the "Applicants") have advised the Fort Wayne Economic Development Commission and the Issuer that they propose that the Issuer lease the same to the Applicants, or one of them, or loan proceeds of an economic development financing to the Applicants, or one of them, for the same, said economic development facility to be a 100 ft. by 400 ft. addition to an existing manufacturing building, including site preparation, building production equipment, office equipment, air cleaners, and other items relating thereto, to be located at 4419 Ardmore Avenue, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 20 to 25 job opportunities immediately 50 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety, and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety, and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety, and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicants for such purpose will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicants to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicants of monies expended by the Applicants for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicants, or one of them, or loan the proceeds of such financing to the Applicants, or one of them, for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Eisbart, D Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-92-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-08-08

GENERAL ORDINANCE NO. G-26-81

AN ORDINANCE amending the Thoroughfare Plan
of the City Comprehensive ("Master")
Plan by vacating a street and plat thereof

WHEREAS, (1) a petition to vacate Slocum Trail and Slocum Place, Section I, (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

Slocum Trail and

Part of the East half of fractional Section 17, Township 31 North, Range 13 East, Allen County, Indiana; and more particularly described as follows: Commencing at the Southeast corner of the East half of said fractional Section 17; thence N-01°-04'-03" E 776.5 feet along the East line of said fractional Section 17; thence N-88°-57'-23" W 1102.43 feet; thence N 26°-58'-42" E 980.98 feet; thence N-61°-48'-30" W 696.29 feet; thence N-28°-14'-32" E 217.35 feet; thence N-30°-22'-57" E 179.69 feet to the point of beginning; thence N-30°-22'-57" E 172.00 feet; thence N-37°-11'-30" E 655.43 feet to a point on the southerly right of way line of Evard Road, thence S-66°-28'-50" E 292.85 feet along said southerly right of way line; thence S-22°-11'-07" W 156.00 feet; thence S-68°-09'-00" E 52.00 feet; thence S-37°-11'-18" W 859.60 feet; thence N-62°-41'-28" W 68.72 feet; thence 77.86 feet along a 125 foot radius curve to the right having a chord of 76.61 feet and a chord bearing of N-44°-50'-44"; thence N-27°-00'-00" W 234.53 feet to the point of beginning and enclosed 7.82 Acres.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works under I.C. 18-1-7-1 for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Ordinance Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General
on the 24th day of November, 1981. No. G-26-81

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November,

1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-12

GENERAL ORDINANCE NO. G-27-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan
by vacating a portion of an alley

WHEREAS, (1) a Petition to vacate a portion of an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon, and (3) said Commission has duly forwarded its recommendation thereon to this body approving said Petition all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Petition filed herein to vacate:

Legal description of the North-South public alley to be vacated in Block #4, Civic Center II Renewal Project for the Conservatory Building, Downtown Revitalization Area.

The entire North-South public alley lying between Lewis Street on the North and Douglas Street on the South and generally between Lots 1 thru 11 on the East in Spencer's Second Addition to the City of Fort Wayne, Allen County, Indiana, as Recorded in Deed Record 64, Page 337 and 338 and Lot one (1) also on the East in Brackenridge's Addition to the City of Fort Wayne, Allen County, Indiana, as Recorded in Deed Book 28, Page 93 and Lot 12 on the West in aforesaid Spencer's Second Addition and Platted Lot 2 also on the West, together with the Unplatted space (25' x 95") also on the West located at the Northeast corner of Lot #2 part of Spencer's Homestead as shown on aforesaid Brackenridge's Addition; all of the above said additions Recorded according to the Plats thereof in the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at a point at the Northeast corner of Lot 12 in Spencer's Second Addition, said point of beginning being located along the South Right-of-way line of Lewis Street a distance of 231.50 feet Easterly of an included angle of $88^{\circ} 28' 31''$ at the Right-of-way line at the Southeast corner of Harrison and Lewis Streets in said City of Fort Wayne, Allen County, Indiana, thence continuing Easterly along the South Right-of-way line of Lewis Street a distance of 10.00 feet; thence $91^{\circ} 33' 55''$ Southerly along the West side of Lots 1 thru 7 of Spencer's Second Addition a distance of 149.74 feet; thence continuing Southerly across the width of the East-West public alley a distance of 10.00 feet; thence continuing Southerly along the West side of Lots 8 thru 11 of Spencer's Second Addition and thence continuing Southerly along the West side of Lot One (1) of Brackenridge's Addition to the Southwest corner of aforesaid Lot #1 located at the North Right-of-way line of Douglas Street; thence Westerly along the North Right-of-way line of Douglas Street a distance of 10.00 feet to the Southeast corner of Lot 2 in Brackenridge's Addition thence $91^{\circ} 34' 26''$ Northerly along the East line of Lot 2 in Brackenridge's Addition, including the Unplatted space of Spencer's Homestead aforementioned above, a distance of 145.00 feet to the Northeast corner of aforesaid Lot 2 in Brackenridge's Addition; thence continuing Northerly across the width of the East-West alley a distance of 10.00 feet; thence continuing Northerly along the East side of Lot 12 in Spencer's Second Addition a distance of 149.76 feet to the Northeast corner of aforesaid Lot 12 in Spencer's Second Addition herein called the point of beginning, containing 0.07 acres more or less. All of the above noted angles traversing within the vacated area of the North-South alley are included angles, not deflection angles.

Legal description of East-West public alley to be vacated in Block #4, Civic Center II Renewal Project for Conservatory Buildings, Downtown Revitalization Area.

The entire East-West public alley lying between Harrison Street on the West and Calhoun Street on the East and generally between Lots 8 thru 13 on the North in Spencer's First addition to the City of Fort Wayne, Allen County, Indiana, as Recorded in Deed Book "X", Page 210 and Platted Lots 2 thru 6 on the South in Brackenridge's Addition to the City of Fort Wayne, Allen County, Indiana, together with the Unplatted space (25' x 95') at the Northeast corner of Lot

2, part of Spencer's Homestead as shown on Plat and as Recorded in Deed Book 28, Page 93, and also lying between Lots 7 and 12 on the North and Lot 8 on the South all in Spencer's Second Addition to the City of Fort Wayne, Allen County, Indiana, as Recorded in Deed Record 65, Page 337 and 338; all of the above said Additions Recorded according to the Plats thereof in the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at a point at the Northwest corner of Lot 6 in Brackenridge's Addition, said point of beginning being located along the East Right-of-way line of Harrison Street a distance of 145.00 feet Northerly of an included angle of $91^{\circ} 25' 27''$ at the Right-of-way line at the Northeast corner of Harrison and Douglas Streets in said City of Fort Wayne, Allen County, Indiana; thence continuing Northerly along the East Right-of-way line of Harrison Street a distance of 10.00 feet; thence $88^{\circ} 34' 28''$ Easterly along the South Right-of-way line of Lots 8 thru 13 of Spencer's First Addition and the South line of Lot 12 of Spencer's Second Addition a distance of 231.60 feet; thence continuing Easterly across the width of the North-South alley a distance of 10.00 feet; thence continuing Easterly along the South line of Lot 7 in Spencer's Second Addition a distance of 150.00 feet to the Southeast corner of the aforesaid Lot 7 located at the West Right-of-way line of Calhoun Street; thence Southwesterly along the West Right-of-way line of Calhoun Street a distance of 10.00 feet to the Northeast corner of Lot 8 in Spencer's Second Addition; thence Westerly along the North line of Lot 8 a distance of 150.00 feet to the Northwest corner of aforesaid Lot 8 in Spencer's Second Addition; thence continuing Westerly across the width of the North-South alley a distance of 10.00 feet; thence continuing Westerly along the North line of Platted Lots 2 thru 6 of Brackenridge's Addition, together with and including the Unplatted space at the Northeast corner of Lot 2 of Brackenridge's Addition, a distance of 231.62 feet to the Northwest corner of aforesaid Lot 6 in Brackenridge's Addition herein called the point of beginning, containing 0.09 acres more or less. All of the above noted angles traversing within the vacated area of the East-West alley are included angles, not deflection angles.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said Petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under IC. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under IC. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-27-81 on the 24th day of November, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-22

GENERAL ORDINANCE NO. G-28-81

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley

WHEREAS, (1) a petition to vacate an alley (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon this body approving said petition, all in accordance with I.C. 18-7-4-512 (2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Petition filed herein to vacate:

An alley, 12 feet in width, bordered on the north and south sides by Lots 26 through 30 in Baldwin Heirs Addition as in Plat Book 9B, p. 52 in the Office of the Recorder of Allen County, Indiana.

COMMENCE on the east line of Baldwin Drive, at the Southwest corner of Lot 26 aforesaid;

THENCE Easterly along the south lines of Lots 26, 27, 28, 29 & 30, a distance of 210 feet to the west line of Hartzog Drive;

THENCE Southerly along the west line of Hartzog Drive, a distance of 12 feet to the northeast corner of Lot 31;

THENCE Westerly along the north line of Lots 31 and 25, a distance of 210 feet to the east line of Baldwin Drive;

THENCE Northerly along the east line of Baldwin Drive, 12 feet to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, talarico
Nays: None
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-28-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-11-07

GENERAL ORDINANCE NO. G-29-81

AN ORDINANCE amending a certain
Section of Chapter 17 of the Code of the
City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 17-120 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by changing the following:

Changing "Drivers of vehicles of one ton
capacity or more," to "Drivers of vehicles
of a gross weight of 16,000 pounds (eight
tons) or more,"

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-29-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-12

SPECIAL ORDINANCE NO. S-248-81

AN ORDINANCE approving Change Order
No. 1, Hanna-Creighton Neighborhood,
Phase V, Street Improvement Resolution
5900-81 in connection with the board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Hanna-Creighton Neighborhood, Phase V, Street Improvement Resolution 5900-81, to L.W. Dailey, Inc. in connection with the Board of Public Works, for:

Parkstrip was narrow and would have been difficult to maintain, sidewalk under reference was constructed to blend with existing sidewalk further south; steps in front of a church had to be done for safety and to obtain proper grade; and trees were cut down as these were in the line of construction,

in the amount of \$13,633.80, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-248-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-14

SPECIAL ORDINANCE NO. S-249-81

AN ORDINANCE approving Change Order
Nos. 1 and 2 for 310-80, Phase II,
St. Joe Interceptor Interconnect
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 31080, Phase II, St. Joe Interceptor Interconnect to Busch, Inc. in connection with the Board of Public Works, for:

use of precast manhole structure in lieu of poured in place structures as bid originally, along with additional water line relocation and replacement which was bid under 6" water main and in the file was found to be 12" water main,

SECTION 2. That Change Order No. 2, for 310-80, Phase II, St. Joe Interceptor Interconnect to Busch, Inc. in connection with the Board of Public Works, for:

due to a grade conflict with our sewer, it became necessary to relay the 18" sewer to eliminate the conflict; also, once the 2-42" raw water lines were uncovered a field decision was made to encase them in concrete to assure their integrity; additional quantities of backfill were required; and to properly restore the street surface, it became necessary to construct a transition on Parnell Avenue,

in the amount of \$16,158.55, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, are by reference incorporated herein and made a part hereof, are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-249-81 on the 24th day of November, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-15

SPECIAL ORDINANCE NO. S-250-81

AN ORDINANCE approving Change Order
No. 1 for 351-80, Westwood Addition,
Federal Grant No. C-180599-09 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 351-80, Westwood Addition, Federal Grant No. C-810599-09, to Winzeler Excavating Co., Inc. in connection with the Board of Public Works, for:

due to extensive utility relocation that was not anticipated at the time of bid, it became necessary to shift the construction into the pavement area on Covington Road,

in the amount of \$49,859.15, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: ONE
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-250-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-16

SPECIAL ORDINANCE NO. S-251-81

AN ORDINANCE approving Change Order
Nos. 2 and 3 for 310-80, Phase IV,
St. Joe Interceptor Interconnect
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for 310-80, Phase IV, St. Joe Interceptor Interconnect to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

two parking lots (gravel) on California Road and Johnny Appleseed Park that were completely disturbed due to sewer construction according to WPC Engineering Records, the restoration of the parking lots were not included in the original bid estimate,

SECTION 2. That Change Order No. 3 for 310-80, Phase IV, St. Joe Interceptor Interconnect

to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

the asphalt base when previously estimated by the Engineering Department included only the trench width of sewer construction. However, at the time of construction, the integrity of all the street was lost due to fluid ground conditions on Harry Baals Drive and also due to water line relocation and other miscellaneous construction, such as 3/4" water line taps, 6" sewer taps across the street, and gas line relocation on Oswego Avenue. This Change Order includes the additional base quantity needed to reconstruct the street pavement. Also, during construction, the Water Engineering Department required additional work be performed on the relocated water mains. The remaining items are related to Storm sewer replacement that was in conflict with excavation for the Sanitary Sewer. Also, quantities were required for the residential drive approaches,

in the amount of \$96,375.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Tlarico
Nays: One
Nuckols
Absent: Eisbart, D. Schmidt

Date: 11-24-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-251-81 on the 24th day of November, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-17

SPECIAL ORDINANCE NO. S-252-81

AN ORDINANCE approving 5727 West Washington
Center Road Sanitary Sewer - Kruse Addition
Agreement between the City of Fort Wayne,
Indiana and Rev. Raymond E. Weber and Lois
W. Weber

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement for Sewer Extension dated October 28, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rev. Raymond E. Weber and Lois W. Weber, Developer, to construct a sanitary sewer described as follows:

Beginning at an existing manhole located at 310 +
L.F. south of and 235 + L.F. west of the centerline
intersection of Washington Center Road and Kruse
Drive; thence west a distance of 100 + L.F. terminating
at a proposed cleanout located 310 + L.F. south
of and 335 + L.F. west of the intersection of
Washington Center Road and Kruse Drive,

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, and is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talrico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-252-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, &
ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-18

SPECIAL ORDINANCE NO. S-253-81

AN ORDINANCE approving Change Order
No. 2 for 310-80, Phase III, St. Joe
Interconnect Interceptor, Federal
Grant No. C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for 31080, Phase III, St. Joe Interconnect Interceptor, Federal Grant No. C-180599-06, to Joe R. Norman Contractors, Inc. in connection with the Board of Public Works, for:

these restoration items are additional quantities
which were not anticipated but became needed due to
the extensive utility relocation and existing
condition. The additional dewatering became
necessary after excavation began due to extensive
ground water,

in the amount of \$87,477.50, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-253-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-19

SPECIAL ORDINANCE NO. S-254-81

AN ORDINANCE approving Change Order
No. 1 for 330-80, Phase I, North Maumee
Interconnect Interceptor, Federal Grant
No. C-180599 -08 in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 33080, Phase I, North Maumee Interconnect Interceptor, Federal Grant No. C18059908, to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

due to ground conditions which differed greatly
from those reflected by the test borings, additional
dewatering and base stabilization necessary to
insure proper installation,

in the amount of \$95,876.80, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,

approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-254-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-20

SPECIAL ORDINANCE NO. S-255-81

AN ORDINANCE approving Change Order
No. 1 for 318-80, Campus Court Pump
Station, Federal Grant No. C-180500-06
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 31880, Campus Court Pump Station, Federal Grant No. C-180599-06, to Earth Construction & Engineering, Inc. in connection with the Board of Public Works, for:

balancing Change Order for the contract, with the exception of a grade conflict with a 24" water main. This conflict made it necessary to lower the water main since the sewer line is a gravity system and must remain on grade,

in the amount of \$12,617.40, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
 Nays: One
 Nuckols
 Absent: Two
 Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-255-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

John Nuckols
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-81-11-21

SPECIAL ORDINANCE NO. S-256-81

AN ORDINANCE approving a contract for
 the Advanced Wastewater Treatment Plant,
 Phases A, B & C, between the City of
 Fort Wayne, Indiana and Hagerman Shambaugh
 Joint Bidders

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated Octer 28, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and HagermanShambaugh, Joint Bidders, to provide and furnish all of the labor, materials, necessary tools, equipment, and all utility and transportation services required to perform and complete in a workmanlike manner the construction of the advanced Wastewater Treatment Plan, Phases A, B & C in accordance with Sewage Work Grant No. C-180744-03, for a total cost of \$12,938,000.00, of which the City will pay 15%, the State of Indiana will pay 10%, and the EPA will pay 75%, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
 Nays: One
 Nuckols
 Absent: Two
 Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-256-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-22

SPECIAL ORDINANCE NO. S-257-81

AN ORDINANCE approving a Water Main
contract between the City of Fort
Wayne, Indiana and T & G Excavating, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That a certain contract dated October 21, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T & G Excavating Inc., Contractor, to furnish all labor, material, equipment, tools, power transportation, miscellaneous equipment, etc., necessary to install a 24" diameter water main including all necessary fittings as follows:

On Indianapolis Road from an existing 24" water
main 755 + feet north of Dalman Road thence eastward
2509 + feet to an existing 16" water main on
McArthur Drive,

all according to Fort Wayne Utility Drawing No. Y-10545, Sheets 1 through 7, in order to bolster the water supply for the entire Baer Field area, for a total cost of \$103,846.00 to be paid for by City Utilities, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, and is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-257-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-23

SPECIAL ORDINANCE NO. S-258-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009979 with Tri
River Tractor for backhoe loader for
the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-009979, dated November 3, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and Water Maintenance & Service Department and Tri River Tractor for one backhoe loader, for a total cost of \$22,238.00 to be paid for by City Utilities, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-258-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-24

SPECIAL ORDINANCE NO. S-259-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-009989 with Korte
Bros., Inc. for three backhoe trailers
for the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-009980, dated November 3, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and Water Maintenance & Service Department and Korte Bros., Inc. for three backhoe trailers, for a total cost of \$9,000.00 to be paid for by City Utilities (with trade-ins), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
GiaQuinta, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-259-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-13

SPECIAL ORDINANCE NO. S-260-81

AN ORDINANCE approving Change Order
Nos. 1, 2, 3, 4 and 5 for 310-80,
Phase 1, St. Joe INTERceptor Interconnect
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 310-80, Phase I, St. Joe Interceptor Interconnect to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

change eliminating poured in place manhole structures and replacing them with precast structures,

SECTION 2. That Change Order No. 2 for 31080, phase I, St. Joe Interceptor Interconnect to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

due to shallowness of our 68" X 106" Elliptical pipe, and a possibility of it floating in area of River Channel, it became necessary to encase the pipe in concrete to eliminate any possible change of floatation. Field conditions on the 72" drainage structure differed from those originally anticipated and made it necessary to tunnel under the box structure instead of open cutting of the installation. also, the excavated material which was to be used as backfill was spotted in certain areas and it became necessary to use a special "B" Borrow Backfill,

SECTION 3. That Change Order No. 3 for 310-80, Phase I, St. Joe Interceptor Interconnect to Rocco Ferrera & Co. Inc. in connection with the Board of Public Works, for:

due to conflict between the utility, relocation and trees on Tennessee Avenue and Tilden Avenue, it became necessary to remove the trees along the north side of these streets to allow room for those utilities. With this change it increased the number of trees removed and therefore, required additional replacement,

SECTION 4. That Change Order No. 4 for 310-80, Phase I, St. Joe Interceptor Interconnect to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

once construction began on Tennessee and California Road, the excavation became so extensive and so many cross cuts in the pavement were required that the amount of existing pavement left in place was very negligible and to properly repair the street it became necessary to remove the entire street and replace it completely,

SECTION 5. That Change Order No. 5 for 31080, Phase I, St. Joe Interceptor Interconnect to Rocco Ferrera & Co., Inc. in connection with the Board of Public Works, for:

with the extensive amount of utility relocation required, it required these additional amounts of replacement,

in the amount of \$10,934.79 for Change Order No. 1; the amount of \$83,283.00 for Change Order No. 2, the amount of \$57,776.40 for Change Order No. 3; the amount of \$98,457.20 for Change Order No. 4; and the amount of \$32,050.00 for Change Order no. 5, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor of the City of Fort Wayne, Indiana.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols
Absent: Two
Eisbart, D. Schmidt

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-260-81 on the 24th day of November, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of November, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 30th day of November, 1981, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-81-11-65
2 SPECIAL ORDINANCE NO. S-261-81
3 ORDINANCE AUTHORIZING THE CITY OF
4 FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
5 REVENUE BONDS, SERIES 1981
6 (LUTHERAN HOMES, INC. PROJECT)"
7 AND APPROVING OTHER ACTIONS IN RESPECT THERETO
8 WHEREAS, the Fort Wayne Economic Development Commission has
9 rendered its Project Report for the Lutheran Homes, Inc.
10 Project regarding the financing of proposed economic develop-
11 ment facilities for Lutheran Homes, Inc., and the Fort Wayne
12 Plan Commission has commented favorably thereon; and
13 WHEREAS, the Fort Wayne Economic Development Commission
14 conducted a public hearing on November 19, 1981, and also
15 adopted a resolution on November 19, 1981, which Resolution
16 has been transmitted hereto, finding that the financing of
17 certain economic development facilities of Lutheran Homes, Inc.
18 complies with the purposes and provisions of I.C. 36-7-12 and
19 that such financing will be of benefit to the health and welfare
20 of the City of Fort Wayne and its citizens; and
21 WHEREAS, the Fort Wayne Economic Development Commission has
22 heretofore approved and recommended the adoption of this form
23 of Ordinance by this Common Council and has approved the forms
24 of and has transmitted for approval by the Common Council the
25 Loan Agreement, Mortgage and Security Agreement, Trust Indenture,
26 Note, and Series 1981 Bonds; now therefore,
27 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
28 WAYNE, INDIANA THAT:
29 SECTION 1. It is hereby found that the financing of the
30 economic development facilities referred to in the Loan
31 Agreement, Mortgage and Security Agreement approved by the
32 Fort Wayne Economic Development Commission and presented to the
Common Council, the issuance and sale of revenue bonds, the
loan of the proceeds of the revenue bonds to Lutheran Homes, Inc.

1 for the acquisition and construction of such facilities and
 2 the equipping thereof, the payment of the revenue bonds by the
 3 Note payments of Lutheran Homes, Inc. under the Loan Agreement,
 4 Mortgage and Security Agreement and Note, and the securing of
 5 said bonds by the mortgaging of existing property owned by the
 6 Applicant and the granting of security interest in the fixtures
 7 and equipment included in the Project to the Trustee under the
 8 Trust Indenture, complies with the purposes and provisions of
 9 I.C. 36-7-12 and will be of benefit to the health and welfare
 10 of the City of Fort Wayne and its citizens.

11 SECTION 2. The substantially final forms of the Loan
 12 Agreement, Mortgage and Security Agreement, Trust Indenture,
 13 Note, and Bonds, approved by the Fort Wayne Economic Development
 14 Commission are hereby approved and all such documents (herein
 15 collectively referred to as the "Financing Agreement" referred
 16 to in I.C. 36-7-12), are hereby approved, and all such documents
 17 shall be incorporated herein by reference and shall be inserted
 18 in the minutes of the Common Council and kept on file by the
 19 Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2)
 20 copies of all such documents are on file in the office of the
 21 Clerk for public inspection.

22 SECTION 3. The City of Fort Wayne shall issue its Economic
 23 Development Revenue Bonds, Series 1981 (Lutheran Homes, Inc.
 24 Project), in the total principal amount of One Million Five
 25 Hundred Thousand Dollars (\$1,500,000.00) and maturing twelve
 26 years from the date of issuance, for the purpose of procuring
 27 funds to pay the costs of acquisition, construction and equipping
 28 of the economic development facilities as more particularly set
 29 out in the Loan Agreement, Mortgage and Security Agreement and
 30 Trust Indenture incorporated herein by reference, which bonds
 31 will be payable as to principal, premium, if any, and interest
 32 from the note payments made by Lutheran Homes, Inc. under the

1 Loan Agreement, Mortgage and Security Agreement and Note or as
 2 otherwise provided in the above described Loan Agreement,
 3 Mortgage and Security Agreement, and Trust Indenture. The
 4 bonds may be issued in coupon or registered form; may be issued
 5 in denominations of \$5,000 or a multiple thereof, may be fully
 6 registered, or in the case of coupon bonds, may be registrable
 7 as to principal only; payments of principal and interest are
 8 payable in lawful money of the United States of America at the
 9 principal office of the Trustee or its successor in trust or
 10 by check or draft mailed or delivered to the registered owner
 11 as provided in the Loan Agreement, Mortgage and Security
 12 Agreement, and in Trust Indenture; and shall be redeemed as
 13 provided in Article V of the Trust Indenture. The Bonds shall
 14 never constitute a general obligation of, an indebtedness of,
 15 or a charge against the general credit of the City of Fort Wayne,
 16 nor are the bonds payable in any manner from revenues raised by
 17 taxation.

18 SECTION 4. Substantially final forms of the Official
19 Statement and Bond Purchase Agreement have been submitted to
20 the Common Council and are hereby approved, and all such
21 documents shall be incorporated herein by reference and shall
22 be inserted in the minutes of the Common Council and kept
23 on file by the Clerk. In accordance with provisions of
24 I.C. 36-1-5-4, two (2) copies of all such documents are on file
25 in the office of the Clerk for public inspection.

26 SECTION 5. The Mayor, Clerk, and Controller are authorized
27 and directed to sell such bonds to the purchasers thereof at a
28 rate of interest per annum on the bonds not to exceed twelve
29 and one-half percent (12-1/2%) (except in the event of a
30 Determination of Taxability, as set forth in the Trust Indenture,
31 Loan Agreement, Mortgage and Security Agreement), and at a price
32 not less than ninety-four percent (94%) of the principal amount
thereof.

1 SECTION 6. The Mayor, Clerk, and if necessary, the
2 Controller, are authorized and directed to execute, attest,
3 affix or imprint by any means the City seal to the documents
4 constituting the Financing Agreement approved herein on behalf
5 of the City and the Official Statement and Bond Purchase
6 Agreement also approved herein, and any other document which
7 may be necessary or desirable to consummate the transaction,
8 including the bonds authorized herein. In addition, the Mayor,
9 Clerk, and Controller, or any other City official, is authorized
10 to distribute the Official Statement to such parties as may be
11 entitled thereto. The signatures of the Mayor and Clerk on
12 the bonds and coupons, if any, may be either manual or facsimile
13 signatures. The Clerk is authorized to arrange for delivery of
14 such Bonds to the Trustee named in the Trust Indenture, payment
15 for the bonds will be made to the Trustee named in the Trust
16 Indenture, and after such payment the bonds will be delivered
17 by the Trustee to the purchasers thereof. The Mayor and Clerk
18 shall execute and the Clerk shall deliver the bonds to the
19 Trustee within ninety days of the adoption of this ordinance.
20 the bonds shall be dated as of the first day of the month of
21 delivery.

22 SECTION 7. The provisions of this Ordinance and the Trust
23 Indenture securing the bonds shall constitute a contract binding
24 between the City of Fort Wayne and the holder of the Economic
25 Development Revenue Bonds, Series 1981 (Lutheran Homes, Inc.
26 Project), and after the issuance of said bonds, this Ordinance
27 shall not be repealed or amended in any respect which would
28 adversely affect the rights of such holders so long as any of
29 said bonds or the interest thereon remains unpaid.

30 SECTION 8. This Ordinance shall be in full force and
31

1 effect from and after its passage and signing by the Mayor.
2

3
4 Vivian G. Schmidt

5 COUNCILMAN

6 APPROVED AS TO FORM AND LEGALITY.

7 THIS 23 DAY OF November, 1981.

8 *[Signature]*
9 John J. Wernet, Attorney for the
10 Fort Wayne Economic Development
Commission.

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five

Burns, Eisbart, V. Schmidt, Stier, Talarico

Nays: None

Absent: Four

GiaQuinta, Nuckols, D. Schmidt, Schomburg

Date: 11-24-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-261-81 on the 1st day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1981, at the hour of 1:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of December, 1981, at the hour of 1:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-01

RESOLUTION NO. R-93-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$2,000,000 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, WAYNE CANDIES,
INC. TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Wayne Candies, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility be acquisition of land, buildings, and equipment and modernizing of equipment for use in the manufacturing and marketing of candy products located at 1501 E. Berry Street, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 48 jobs immediately and 200 jobs within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-7-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-93-81 on the 7th day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 7th day of December, 1981, at the hour of 7:30 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 7th day of December 1981, at the hour of 7:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-30

SPECIAL ORDINANCE NO. S-262-81

AN ORDINANCE approving a contract between
the City of Fort Wayne and Holiday Inn for Fire
protection to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION : That the contract, dated October 1, 1981, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and Holiday Inn and the furnishing of fire protection by the Fort Wayne Fire Department to premises of Holiday Inn outside the city limits, described as follows, to wit:

3330 California Rd., Allen County, Indiana

All as more particularly set forth in said contract which is on file in the Office of the Board of Public Safety and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2: The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund" pursuant to I.C. 18-6-8-2, and proper replacement statute.

SECTION 3: This Ordinance shall be effective upon its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-262-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-08

RESOLUTION NO. R-96-81

A RESOLUTION ratifying the transfer of funds
from Account No. 302-345-010, Cumulative
Capital, to Account No. 302-010-010, General Fund

WHEREAS, a transfer from Account No. 302-345-010, Cumulative Capital, to Account No. 302-010-010, General Fund, was anticipated and approved in the preparation of the 1981 budget of the General Fund, and for which adequate funds exist in Account 302345010, and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the transfer by the Controller of the City of Fort Wayne, Indiana, of \$400,000 from Account 302345010, Cumulative Capital Fund, to Account 302010010, General Fund is hereby approved and ratified all in accordance with the 1981 budget of the City of Fort Wayne.

SECTION 2. That this Resolution shall be effective from and after passage and approved by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-96-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-09

RESOLUTION NO. R-97-81

A RESOLUTION transferring funds between
certain accounts within the 1981 budgets of
certain departments of the City of Fort Wayne

WHEREAS, It has become necessary to transfer funds between certain accounts within the 1981 budgets of certain departments of the City of Fort Wayne; and,

WHEREAS, in each instance the respective departments need additional funds in certain accounts to fulfill their obligations for the remainder of 1981 and there are adequate funds in other accounts of such department's 1981 budget; and,

WHEREAS, the City Controller has recommended that such transfers be effected.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller is authorized to transfer sums between accounts within the 1981 budgets of certain departments of the City in accordance with the following list of departments, accounts and sums to be transferred:

Law Department

<u>From:</u>		
402-010-009-44111	Salaries	\$ 800
<u>To:</u>		
402-010-009-4363	Office Supplies	\$ 200
402-010-009-4550	Subscriptions & Dues	\$ 600
	Total	\$ 8000

Police Department

<u>From:</u>		
402-010-014-4630	Grants & Subsidies	\$25,000
<u>To:</u>		
402-010-014-4321	Gaoline	\$22,000
402-010-014-4252	Repairs, Equipment	3,000
	Total	\$25,000

Fire Department

<u>From:</u>		
402-010-015-4410	Building Materials	\$ 1,960
402-010-015-4520	Rents	5,000
402-010-015-4540	Clothing Allowance	18,300
	Total	\$25,260
<u>To:</u>		
402-010-015-4252	Repairs-Equipment	\$ 8,335
402-010-015-4329	Diesel Fuel	8,925
402-010-015-4332	Medical	8,000
	Total	\$25,260

Emergency Services

<u>From:</u>		
402-010-016-4213	Travel	\$ 125
<u>To:</u>		
402-010-016-4363	Office Supplies	\$ 125

Parking AdministrationFrom:

402-132-132-02-4221

Electric Current \$ 6,100

To:

402-132-132-01-4111

Salaries \$ 1,500

402-13201-4621

Taxes \$ 1,500

402-132-132-01-4722

Equipment \$ 1,500

Total \$ 6,100

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-97-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-67

RESOLUTION NO. R-94-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF
\$450,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT,
LINCOLN PRINTING CORP. TO PROCEED
WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and,

WHEREAS, Lincoln Printing Corp. (the "Applicant") has advised the Fort Wayne Economic

Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant or loan process of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of printing equipment consisting of a 22-inch four-color Web PPress and six station collator to be used in Applicant's business and including equipment, fees, issue costs, and shipping and installation costs, all of which will be located at 1514 ST. Joe Blvd., Fort Wayne, Indiana (the "project"); and

WHEREAS, the diversification of industry and an increase of approximately 3 to 4 people per additional shift immediately and 6 to 7 people within three years job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$450,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the ACT as may be required to implement taken aforesaid financing, or as it may deem appropriate in pursuance thereof provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable to the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Paul M. Burns
Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-94-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December,

1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-68

RESOLUTION NO. R-95-81

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF
\$800,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, HMS, INC.
TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, HMS, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a mini self-storage facility located on a 4.3 acre tract at 5020 Bluffton Road, inside the city limits of Fort Wayne, Indiana, including sixteen buildings, improvements, equipment, and costs of issue (the "Project"); and

WHEREAS, the diversification of industry and an increase of approximately five jobs immediately and ten jobs within three years in job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$800,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purpose will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-95-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-09-24 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-38-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map Number K-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Beginning at the northwest corner of Lot #38 in Pape's 3rd Addition, point also lying on the east right-of-way line of St. Mary's Avenue; thence east along the north line of said Lot #38 a distance of 120 feet to the true point of beginning; thence continuing east along the said north line of Lot #38 a distance of 6.5 feet to the northeast corner of said Lot #38; thence north and parallel with the east right-of-way of St. Mary's Avenue a distance of 10 feet; thence east and parallel with the north line of said Lot #38 a distance of 14.5 feet to the southwest corner of Lot #40 in Pape's 3rd Addition; thence north along the west line of said Lot #40 a distance of 58 feet; thence west and parallel with the north line of aforementioned Lot #38 a distance of 21 feet; thence south and parallel with the east right-of-way line of St. Mary's Avenue a distance of 68 feet to the true point of beginning, containing .03 acres.

and the symbols of the City of Fort Wayne Zoning Map Number K-6, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg,
Nays: Three
Eisbart, Stier, Talarico

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-38-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-07-36 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-39-81

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot 198 Weisser Park Amended
an Addition to the City of Fort
Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. 0-11, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-39-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.,

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-10-33 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-40-81

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. J-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1 That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Part of the West 12 acres of that part of the North Half of the Northwest Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana, lying East of the right-of-way of the Indiana Service Company, now the Indiana and Michigan Electric Company, being more particularly described as follows, to-wit:

Beginning on the North line of said Northwest Quarter, at the point of intersection of said North line with the East right-of-way line of the Indiana Service Company; thence N 90 degrees 00' E, on and along said North line, being within the right-of-way of Washington Center Road, a distance of 396.0 feet to the Northwest corner of a certain tract of land deeded to Marathon Oil Company as recorded in Document #80011846; thence S 00 degrees 50' E and parallel to said East right-of-way line, on and along the West line of said Marathon Oil Company tract of land, a distance of 1018.8 feet to a point on the Northerly right-of-way line of Interstate #69, said point being situated 150.0 feet (measured at right angles) Northerly from the centerline of said Interstate #69; thence N 89 degrees 58' W, on and along said Northerly right-of-way line, being also 150.0 feet (measured at right angles) Northerly from said centerline, a distance of 254.3 feet to the point of curvature of a regular curve to the left having a radius of 3886.68 feet; thence Westerly, on and along said Northerly right-of-way line, being also 150.0 feet (measured radially) Northerly, of said centerline as defined by said curve, an arc distance of 141.70 feet (the chord of which bears S 88 degrees 59' 20" W, for a length of 141.69 feet) to the point of intersection with the East right-of-way line of the Indiana Service Company; thence N 00 degrees 50' W, on the along said East right-of-way line, a distance of 1021.15 feet to the point of beginning, containing 9.263 acres of land, subject to legal right-of-way for Washington Center Road and subject to all easement of record.

and the symbols of the City of Fort Wayne Zoning Map No. J-34, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, Gi aQunta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. Z-40-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-11 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-41-81

AN ORDINANCE amending the City

of Fort Wayne Zoning Map No. M-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B - General Business under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

The West 5 feet of Lot #351 and all of Lots #352,
#353, #354 in Hamilton's Fourth Addition

and the symbols of the City of Fort Wayne Zoning Map No. M-3, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-41-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-79-06-08

GENERAL ORDINANCE NO. G-30-81

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
certain alleys

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of two certain alleys having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 187546), the Thoroughfare Plan as set forth in General Ordinance No. G97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following two alleys, to wit:

- | | |
|------------|---|
| Item No. 1 | The north-south alley extending south from the south right-of-way of Wilt Street to the north right-of-way of Lavina Street, located east of Van Buren Street and west of Broadway. |
| Item No. 2 | The eastwest alley extending east from the east right-of-way of Van Buren Street to the west right-ofway of Broadway, located south of Wilt Street and north of Lavina Street. |

SECTION 2. After passage of this ORdinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-30-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman City Clerk	John Nuckols Presiding Officer
------------------------------------	-----------------------------------

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81- 07-37

GENERAL ORDINANCE NO. G-31-81

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, 1974, Chapter 21, Sections 21-4, 21-5 and 21-6 which adopted the Transportation Plan for the City of Fort Wayne titled FORT WAYNE, NEW HAVEN, ALLEN COUNTY TRANSPORTATION STUDY

WHEREAS, the Northeastern Indiana Regional Coordinating Council has prepared a Transportation Plan for the future development of the City of Fort Wayne in accordance with local, state and federal statutes.

WHEREAS, the Northeastern Indiana Regional Coordinating Council in accordance with the policies of the Urban Transportation Advisory Board did have public/agency input on the development of the Transportation Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 21, Section 21-4, 21-5 and 21-6 of the Code of the City of Fort Wayne, Indiana of 1974, are hereby repealed and the following is hereby substituted:

Section 21-4: That the Transportation Plan, for the future development of the City of Fort Wayne, bearing date of April, 1981, and titled FT. WAYNE-NEW HAVEN-ALLEN COUNTY LONG-RANGE TRANSPORTATION STUDY UPDATE, as prepared and adopted by the Northeastern Indiana Regional Coordinating Council and duly reviewed by the Fort Wayne Plan Commission at a public hearing on July 29, 1981, be and hereby is adopted as a part of the Fort Wayne Maters and Comprehensive Plan.

Section 21-5: That said Transportation Plan, dated April, 1981, is hereby incorporated, by reference, and made a part of this Ordinance for the portion of the plan located inside the jurisdictional area of the Fort Wayne City Plan Commission, and by reference, made a part of this Ordinance under authority of the Acts of the General Assembly of the State of Indiana.

Section 21-6: That said Transportation Plan, dated April, 1981, be and remain filed in the Office of the Clerk of the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: Two
Eisbart, GiaQuinta

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-31-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-08

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City
of Fort Wayne Zoning Map No. 1-27

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A - Limited Business and M-2 - General Industry under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

The south 120' of Lots #20 and #21 and
all of Lots #22 and #23 all in the
Original Plat of Waynedale

and the symbols of the City of Fort Wayne Zoning Map No. 1-27, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Date: 12-8-81

Charles W. Westerman
City Clerk

BILL NO. R-81-09-30

DECLARATORY RESOLUTION NO. R-98-81
DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its Petition dated September 3, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lot Number 489 in Hanna's Addition to
the City of Fort Wayne, according to
the recorded plat thereof,

located at and commonly known as:

120 West Wayne Street
Fort Wayne, Allen County, Indiana.

WHEREAS, It appears that said Petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation
by the Fort Wayne Redevelopment Commission,

after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974

- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-98-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-38

SPECIAL ORDINANCE NO. S-263-81

AN ORDINANCE approving Change Order No. 2 for 5902-81, Phase VI, Nebraska Neighborhood, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the Change Order No. 2, for 590281, Phase VI, Nebraska Neighborhood to Rieth-Riley Construction Co., Inc. in connection with the Board of Public Works, for:

the necessity for Change was the additional trees were needed because there was more root damage than was first thought. In preliminary engineering, all the indications showed that the existing curb was a Type III. In removing the curb it was actually a Type II-B, which is a 2 foot curb and gutter section. Therefore, when the curb was removed, 18" of the street was also removed. The additional stone and asphalt is required to replace the pavement which was removed.

in the amount of \$8,810.50, as set out in the specification, which are on file in the Office of the Board of Public Works, and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None

Date: 12-8-81
 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-263-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
 City Clerk
 John Nuckols
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-81-11-39

SPECIAL ORDINANCE NO. S-264-81

AN ORDINANCE approving an agreement for
 Engineering Agreement Project M-F 56B (2)
 between the City of Fort Wayne, Indiana
 and Ronald L. Bonar and Associates, Inc.
 for State Boulevard

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That a certain agreement, dated November 12, 1981, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works, and Ronald L. Bonar & Associates, Inc. for:

the widening and reconstruction of State Bouelvard. In the City of Fort Wayne from Reed Road (F696) east 10,400 feet to a point 250 feet east of Lahmeyer Road including the design of a bridge over the Pierson Ditch, the design and modernization of 6 traffic signals and street lighting,

under the Board of Public Works Engineering Agreement Project M-F 56B (2), at a total cost of \$234,270.50, all as more particularly set forth in said agreement which is on file in the office of the Board of Public works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
 Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
 Nays: None

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-264-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-40

SPECIAL ORDINANCE NO. S-265-81

AN ORDINANCE approving a contract for Street, Driveway Approach, and Sidewalk Improvement Resolution 5910-81 between the City of Fort Wayne, Indiana and Gaines Construction Company for Barnhart and Charlotte Intersection

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That a certain contract, dated November 18, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gaines Construction Company, for:

improvement by constructing partial street, driveway approach, and sidewalk replacement on Barnhart Avenue adjacent and immediately north of the Charlotte Avenue Intersection,

under Board of Public Works Street, Driveway Approach, and Sidewalk Improvement Resolution 5910-81, at a total cost of \$5,745.94, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed, and approved.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns

Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-265-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-41

SPECIAL ORDINANCE NO. S-266-81

AN ORDINANCE approving Change Order Nos.
1, 2 & 3 for 337-80, Trier Ditch-Zuber's
Addition, Federal Grant No. C-180599-08, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That Change Order No. 1, for 33780, Trier Ditch-Zuber's Addition, Federal Grant No. C-180599-08, to John Dehner, Inc., in connection with the The Board of Public Works, for:

due to a major discrepancy in the field with existing utilities, an alternative location was considered. The costs effectiveness of relocating the existing utilities was not a economically desireable as moving the proposed line into the roadway. This move constitutes the additional #53 #73 special backfill quantity.

SECTION 2: That Change Order No. 2, for 337-80, Trier Ditch-Zuber's Addition, Federal Grant No. C-18059908, to John Dehner, Inc., in connection with the Board of Public Works, for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistics problem within the internal interactions of City Departments. In pursuing the handling of these permits it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus insuring a smaller possibility of a tap being connected without an inspection.

SECTION 3: That Change Order No. 3, for 337-80, Trier Ditch-Zuber's Addition, Federal Grant No. C180599-08, to John Dehner, Inc., in connection with the Board of Public Works, for:

the asphalt quantity indicated is the result of paving operations on Paulding Road. Original plans called for all 6" tap extensions to be bored or jacked under the road, but the contractor requested that he be allowed to open cut and the county engineer gave approval with the stipulation that a 2" layer of asphalt be placed after construction. This Department gave approval with the understanding that it be at the contractors expense. Upon reviewing the condition of the road from the last 6" lateral to the west limit of Res. 337-80, Trier Ditch, it was decided to pave the remainder of the project. The double chip and seal quantity is for Alberta Drive. This quantity was overlooked on the original engineer's estimate,

in the amount of \$12,750.00 for Change Order No. 1, and in the amount of \$2,880.00 for Change Order No. 2, and in the amount of \$13,960.20 for Change Order No. 3 as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-266-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-42

SPECIAL ORDINANCE NO. S-267-81

AN ORDINANCE approving Change Order No. 1, for 336-80, Trier Ditch Pump Station Federal Grant No. C-180599-08, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1 That Change Order No. 1, for 336-80, Trier Ditch Pump Station, Federal Grant No. C-180599-08, to John Dehner, Inc., in connection with the Board of Public Works, for:

the original bid quantity for the engineering estimate was in error. The quantity of 4,355 \pm LF for 21" RCP Class IV sewer pipe would have been more accurate at 4,975 \pm LF. One of the 96" structures indicated on the Change Order also appears to have been an oversight during the quantity takeoff. The additional (96") structure and (48") structure indicated are a result of an alignment change in the field after construction began. The change was necessitated by a discrepancy in the proposed easement and its relative location in the field to the existing physical features,

in the amount of \$19,652.35, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-267-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-43

SPECIAL ORDINANCE NO. S-268-81

AN ORDINANCE approving Change Order Nos. 1, 2, & 3, for 313-80, Limberlost-Mardego Hills, Federal Grant No. C-180599-06 in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That Change Order No. 1 for 313-80, Limberlost-Mardego Hills, Federal Grant No. C-180599-06 to Earth Construction & Engineering, Inc. in connection with the Board of Public Works, for:

change due to extremely tight working conditions in the rear easements on Lateral #3, a move was made to the street area on Jamiaca Street.

SECTION 2: That Change Order No. 2 for 31380, Limberlost-Mardego Hills, Federal Grant No. C-18059906 to Earth Construction & Engineering, Inc. in connection with the Board of Public Works, for:

to meet county specifications for street restoration these adjustment of quantities had to be made.

SECTION 3: That Change Order No. 3 for 31380, Limberlost-Mardego Hills, Federal Grant No. C-180599-06 to Earth Construction & Engineering, Inc. in connection with the Board of Public Works, for:

that there was an exchange in the type of backfill and also use of base stabilization in lieu of dewatering. The balance of these quantities were as a result of lowering Lateral No. 1,

in the amount of \$4,695.00 for Change Order #1; \$12,637.50 for Change Order #2; \$32,135.74 for Change Order #3, as set out in the specification, which are on file in the Office of the Board of Public Works and

are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 4: That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Mayor

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-268-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-44

SPECIAL ORDINANCE NO. S-269-81

AN ORDINANCE approving Change Order
Nos. 1, 2, 3 & 4, for 334-80, Trier
Ditch Colony Heights, Federal Grant
No. C-180599-08, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That Change Order No. 1 for 334-80, Trier Ditch Colony Heights, Federal Grant No. C180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

during construction of the 15" lateral at Str. #51 across Paulding Road, an existing catch basin was encountered at the corner of Bunt Drive and Paulding Road. The existing structure a 3' diameter section of concrete pipe with casting was in very poor shape due to many years at freeze-thaw cycles and therefore; not suitable to leave in place. The contractor was instructed to replace the existing catch basin with a cone shaped concrete block catch basin complete with new casting to insure against further freeze-thaw damage.

SECTION 2: That Change Order No. 2, for 33480 Trier Ditch Colony Heights, Federal Grant No. C-180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

the Revetment Rip-Rap shown on the design drawings for ditch bank stabilization after constructing the sanitary sewer through said banks was not included on original bid documents. Upon reviewing the existing situation and the repercussions of deleting the Revetment Rip-Rap from the project, the engineer for the project instructed the contractor to install the rip-rap.

SECTION 3: That Change ORder No. 3, for 334-80, Trier Ditch Colony Heights, Federal Grant

No. C-180599-80, to Busch, Inc., in connection with the Board of Public Works for:

the 6' building sewer tap located just south of Structure #36 was shown on the plans to be 15LF. Upon further investigation it was determined that the owner's property line was an additional 40 + LF away. To maintain the consistency of all projects of extending taps to the property line, the engineer directed Busch, Inc., to extend the tap to the property line.

SECTION 4: That Change Order No. 4, for 334-80, Trier Ditch Colony Heights, Federal Grant No., C-180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

upon further investigation of the pump station removal on Paulding Road, it was determined that it would be more cost-effective to have the Treatment Plant personnel remove the electrical components of the station and have the contractor remove the physical structure. IT was also determined that rather than remove the existing wet well and install a new type 1-A manhole, Str. #54, it would be more cost effective to reconstruct the wet wall,

in the amount of \$500.00 for Change Order No. 1, and in the amount of \$1,133.91 for Change Order No. 2, and in the amount of \$3,151.00 for Change Order No. 3, and in the amount of \$2,962.00 for Change Order No. 4, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 5: That this Ordinance shall be in full force and effect from and after its paassage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
burns, Eisbart, GaiQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-269-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-45

SPECIAL ORDINANCE NO. S-270-81

AN ORDINANCE approving Change Order
No. 1, for 332-80, Trier Ditch
Interceptor, Federal Grant No. C-180599-08,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That Change Order No. 1, for 33280, Trier Ditch Interceptor, Federal Grant No. C-180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

the ground profile run by the City's Survey crew at the time of design was changed from Sta. 142+40 to Sta. 148+40 when the owner of the property, Martin, Inc., deposited approximately 4' on top of existing ground prior to construction,

in the amount of \$3,648.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-270-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-46

SPECIAL ORDINANCE NO. S-271-81

AN ORDINANCE approving Change Order
Nos. 1, 2, & 3 for 331-80, Trier
Ditch Interconnect Interceptor
Federal Grant No. C-180599-08 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 331-80, Trier Ditch Interconnect Interceptor, Federal Grant No. C-180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

it was determined that the elimination of pump station at Adams Center Rd. would also cut off the Payless Service Station sanitary sewer service. Upon televising the existing line, the existing tap from the service station was located 130 ± north of and down grade from Structure 3A. The only acceptable method to restore the sanitary service to Payless was to install a new 8" sewer line from their tap to Structure 3A at the proper gradient. Since the Service Station effluent was the only remaining discharge to the pump station, the contractor was instructed to connect the line to expedite the Adams Center Road Pump Station Elimination.

SECTION 2: That Change Order No. 2, for 331-80, Trier Ditch Interconnect Interceptor, Federal Grant No. C-180599-08, to Busch, Inc., in connection with the Board of Public Works, for:

the pump station removal on Adams Center Road was not included on the original bid documents due to a discrepancy as to ownership and maintenance of said station. After letting of the contract it was determined that it did indeed belong to the City and that its elimination would be most beneficial to the City. At that time, the contractor, Busch, Inc., submitted to the City Engineering Department a bid for the removal of the pump station. Upon review of the bid, it was determined the price submitted was an equitable quote congruent with current Engineering and construction standards,

SECTION 3: That Change Order No. 3, for 331-80, Trier Ditch Interconnect Interceptor, Federal Grant No. C-180599-08, Busch, Inc., in connection with the Board of Public Works, for:

two 8" building sanitary sewer lines were uncovered during construction of the 48" sewer line north of Structure #7. The outlets for these lines were on the east side of Adams Center Road and in direct conflict, gradewise, with the newly constructed 48" line. It was decided to avoid interruption of sewer service to the businesses and/or an unsanitary onsite condition that the taps should be extended south to Structure #7. The contractor Busch, Inc., was then instructed to connect the existing lines,

in the amount of \$3,406.00 for Change Order No. 1, and in the amount of \$1,434.00 for Change Order No. 2, and in the amount of \$2,500.00 for Change Order No. 3, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-271-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-47

SPECIAL ORDINANCE NO. S-272-81

AN ORDINANCE approving Change Order No. 2 & 3
for 312-80, Concordia Gardens, Federal Grant
No. C-180599-06 in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for 31280, Concordia Gardens, Federal Grant No. C-180599-06, to Weitzel Construction, Inc. in connection with the Board of Public Works, for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistics problem within interactions of City Departments. In pursuing the handling of these permits it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection.

SECTION 2. That Change Order No. 3 for 312-80, Concordia Gardens, Federal Grant No. C-180599-06, to Weitzel Construction, Inc. in connection with the Board of Public Works, for:

the additions of these quantities are due to extremely fluid ground conditions making it necessary to overrun the estimated quantities,

in the amount of \$90,280.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 3. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-272-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-48

SPECIAL ORDINANCE NO. S-273-81

AN ORDINANCE approving Change Order
No. 2 for 330-80, Phase II, North
Maumee Interconnect, Federal Grant
No. C-180599-08 in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 33080, Phase II, North Maumee Interconnect, Federal Grant No. C-180599-08, to John Dehner, Inc. in connection with the Board of Public Works, for:

subsequent to the installation of the 30" sewer line around street #24 and the placement of said structures, it was apparent that the existing drainage ditch, the mouth of which is located as street #24, would need to have bank stabilization in the form of revetment rip-rap. Just weeks after installation the side banks around the structure began showing severe signs of erosion. The contractor was then instructed by the engineer to install the rip-rap,

in the amount of \$2,450.00, as set out in the specifications, which are on file in the Office of the Board of Public Works, and by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmdt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-273-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-49

SPECIAL ORDINANCE NO. S-274-81

AN ORDINANCE approving Change Order
No. 2, for 330-80 Phase 1, North Maumee
Interconnect, Federal Grant No. C-180599-08
in connection with The Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 330-80 Phase 1, North Maumee Interconnect, Federal Grant No. C-180599-08 to Rocco Ferrera & Company, Inc. in connection with the Board of Public Works, for:

the original plans for construction of the 12" RCP from Street #32 \pm to Street # 34 \pm called the for relocation of the sanitary force main to cut down on any possible conflicts with the new construction. After having discussions with the contractor and the sewage treatment plant superintendent, it was determined that to maintain operation of the force main during construction, would allow the plant to function without interruption. Maintenance of the

force main was accomplished by bracing and tying back the line minimizing the change of a rupture. This procedure was very time consuming causing the contractor to submit to the City of Fort Wayne a request for a unit price increase to \$46.00/LF,

as set out in the specification which are on file in the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-274-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-50

SPECIAL ORDINANCE NO. S-275-81

AN ORDINANCE approving Change Order
Nos. 2 & 3, for 351-80, Westwood Addition,
Federal Grant No. C-180599-09 in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 351-80, Westwood Addition, Federal Grant No. C-180599-09, to Winzeler Excavating, Inc., in connection with the Board of Public Works, for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistics problem within internal interactions of City Departments. In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplication of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection.

SECTION 2. That Change Order No. 3, for 351-80, Westwood Addition, Federal Grant No. C-180599-09, to Winzeler Excavating, Inc., in connection with the Board of Public Works, for:

on the original contract, that was a concrete street cut that apparently was missed and

necessitates a concrete item. Also, one of the streets encountered was a concrete replacement. Therefore, when quantities were taken off the concrete was not known or an item provided,

in the amount of \$1,995.00 for Change Order No. 2, and in the amount of \$1,995.00 for Change Order No. 2, and in the amount of \$3,520.00 for Change Order 3, as set out in the specifications, which are on file in the Office of the Board of Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-275-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-51

SPECIAL ORDINANCE NO. S-276-81

AN ORDINANCE approving Change Order No. 1 & 2, 350-80, Elmcrest Addition, Federal Grant No. C-180599-09, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 35080, Elmcrest Addition, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking Co., Inc. in connection with the Board of Public Works, for:

due to a great amount of rock it became impossible to bore this crossing and we had to hand tunnel the crossing.

SECTION 2! That Change Order No. 2, for 350-80, 'Elmcrest Addition', Federal Grant No. C18059909, to Richard Ness Excavating & Trucking Co., Inc. in connection with the Board of Public Works, for:

items #10 & 11 - during construction of this project, it was discovered that in the field, there existed more drive-ways in the area than were reflected

on the drawings. As part of the City and County specifications when crossing a drive a granular backfill must be used. The quantity adjustments here are for this purpose and used to conform to specifications

in the amount of \$11,625.00 for Change Order No. 1, and in the amount of \$8,300.00 for Change Order No. 2, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: ONE

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-276-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-52

SPECIAL ORDINANCE NO. S-277-81

AN ORDINANCE approving Change Order No. 1, 2, & 3, for 349-80, Sprunger Pump Station Elimination, Federal Grant # C-180599-09 in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 349-80 Sprunger Pump Station Elimination, Federal Grant #C-180599-09, to T-G Excavating, Inc., in connection with the Board of Public Works, for:

upon review of the plans, it has been found necessary to re-evaluate quantities due to field differences from original plans in the area of pavement cuts and seeded areas. also, in checking the drawings it was found that 104LF of concrete pipe CL III shown on the original plans was in a cut which would exceed the loading capacities of CL III pipe. Therefore, it has become necessary to delete this footage and transfer it to a concrete CL V pipe.

SECTION 2. That Change Order No. 2, for 34980 Sprunger Pump Station Elimination, Federal Grant #C-180599-09, to T-G Excavating, Inc., in connection with the Board of Public Works, for:

at the North end of Resolution No. 349-80, there exists a 12' Sanitary Sewer line which is in desperate need of replacement. This line has deteriorated significantly since our

SSES Study was completed five year ago. At that time, this line showed damage, but it was not cost-effective to replace it at that time. Since this study, the line has passed the repair point and needs to be replaced. Due to the homes which are presently connected to this line, along with the fact that this line carries all the flow from the homes north of it, makes it necessary to move into the street area and install the new 12" line. This new location allows for maintaining the existing service until the new one is ready

for acceptance. This approach then requires abandoning the old line by grouting the abandoned line; therefore, eliminating any possibility of collapse in the future. The new location being under the pavement requires special backfill along with pavement replacement.

SECTION 3. That Change Order No. 3, for 349-80, Sprunger Pump Station Elimination, Federal Grant No. C-180599-09 to T-G Excavating, Inc., in connection with the Board of Public Works, for:

upon re-evaluation of including the City of Fort Wayne permits in the contract prices, it has created a logistics problem with the internal interactions of City Departments. In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection

in the amount of \$3,110.35 for Change Order No. 1; \$31,240.00 for Change Order No. 2; and \$6,150.00 for Change Order No. 3, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, by and the same is in all things ratified, confirmed, and approved.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-277-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-53

SPECIAL ORDINANCE NO. S-278-81

AN ORDINANCE approving Change Order No. 1
for 348-80, Ansley-Largo Project, Federal
Grant No. C-180599-09, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 348-80, Ansley-Lagro Project, Federal Grant NO. C-180599-09, to Winzeler Excavating Co., Inc. in connection with the Board of Public Works, for:

additional quantities became necessary due to the depth and ground conditions that were worse than anticipated at the time of bid

in the amount of \$15,268.00, as set out in the specifications, which are on file in the Office of the Board of Public Works, and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-278-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-54

SPECIAL ORDINANCE NO. S-280-81

AN ORDINANCE approving Change Order No. 1,
for 347-80, Poplar Ridge, Federal Grant No.
C-180599-09 in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 347-80, Poplar Ridge, Federal Grant No. C180599-09, to Richard Ness Excavating & Trucking Co., Inc. in connection with the Board of Public Works, for:

upon review of the plans, it has been found necessary to re-evaluate quantities due to field differences from original plans

in the amount of \$4,450.00, as set out in the specifications, which are on file in the Office of the Board of Public Works, and are by reference incorporated herein and made a part hereof, be and the same in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-280-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-55

SPECIAL ORDINANCE NO. S-281-81

AN ORDINANCE approving Change Order No. 1
Trier Ditch-Ridgeview Heights, for 338-80,
Federal Grant No. C-180599-08, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 338-80, Trier Ditch-Ridgeview Heights, Federal Grant No. C-180599-08, to John Hartman Construction Co., Inc. in connection with the Board of Public Works, for:

the quantity of 8,000 SY for 2" asphaltic surface originally used in the contract bid was miscalculated. Upon further field investigation and office calculations, we (Engineers) have determined that the original quantity would have been more in line at 12,000 ± SY,

in the amount of \$13,000.00, as set out in the specifications, which are on file in the Office of the Board of

Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmid, V. Schmidt, Schomburg, Stier, Talarico

Nays: ONE

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-281-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-56

SPECIAL ORDINANCE NO. S-282-81

AN ORDINANCE approving Change Order Nos. 1, 2, 3, 4 & 5 for 345-80, Country Club Langford Oaks, Federal Grant No. C-180599-09, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 345-80, Country Club Langford Oaks, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

in responding to the contractor's request for a dewatering item to be established for a 1200' + along Getz Road, it was discovered that the line would need to be lowered 2' to service those home on the west side of Getz Road. At this time, a field change was initiated to lower the line. In evaluating the request by the contractor for dewatering, it was determined that due to the nature of the soil conditions, which exist, that dewatering wells would not dry the trench excavating because of the water being isolated to a 1' seam of a fine gravel just below 10' to 12' of sand and resting on top of a soft clay. In evaluating this item, we decided to go with base stabilization of approximately 750 cubic yds., and installing wells. In lowering the above line an additiona 2' we required an additional excavation of approximately 127 CY ranging in depth from 19.5 to 21.5' along with increased depth of 3MH's as reflected in item No. 21.

SECTION 2. That Change Order No. 2, for 345-80, Country Club Langford Oaks, Federal Grant No. C-18059909, to Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

during construction it was discovered that sufficient quantities were not anticipated and

these adjustments became necessary. Additional depth was needed to service the last residence. (Item 21 & 23)

SECTION 3. That Change Order No. 3, for 345-80, Country Club Langford Oaks, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking Inc., in connection with the Board of Public Works, for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistics problem within the internal interaction of City Departments. In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection.

SECTION 4. That Change Order No. 4, for 345-80, Country Club Langford Oaks, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

Items #18-#19 - During construction the contractor came into direct conflict with more existing tiles anticipated. This is due to the neighborhood associations years ago, providing their own "blind Ditching" by installing drainage tiles and connecting them to their culverts to eliminate their drainage swales. Since it was not visually possible to see these "blind ditches," it was not noted on plans or shown in quantities. The only alternative to avoid these tiles would have been to move under the street which would create an exorbitant cost in full depth gravel which would not be cost effective.

SECTION 5. That Change Order No. 5, for 345-80, Country Club Langford Oaks, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

it becoming necessary to deepen Lateral No. 12 and 14 to service all properties

in the amounts of \$23,817.21 for Change Order No. 1; \$39,274.80 for Change Order No. 2; \$7,525.00 for Change Order No. 3; \$23,600.00 for Change Order No. 4; and \$5,645.00 for Change Order No. 5, as set out in the specifications, which are on file in the Office of the Board of Public Works and are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same all things ratified, confirmed, and approved.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S- 282-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-57

SPECIAL ORDINANCE NO. S-283-81

AN ORDINANCE approving Change Order No. 1, 2, & 3
for 342-80, Covington Road Country Club,
Federal Grant No. C-180599-09 in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 342-80, Covington Road Country Club, Federal Grant No. C-180599-09, to Winzeler Excavating Co., Inc. in connection with the Board of Public Works for:

items #4 & 12; upon review of the plans, it has been found that on taking off the quantities, one span of 400 LF was missed and, therefore, the bid quantities are short this amount and these changes are to cover the differential Items 6,7,9,10,11, 12,36; These additional quantities are to service a residence that is setting in a low area which could not be serviced by the main line in from of the residence. At that time, it became necessary to go one lot East to the next street and extend an 8" lateral with lamp hole to service this home. Item #12 the additional #53-#73 backfill quantities were required in crossing a parking area which was not shown as pavement are on the original plans.

SECTION 2. That Change Order No. 2 for 342-80, Covington Road Country Club, Federal Grant No. C-180599-09, to Winzeler Excavating Co., Inc. in connection with the Board of Public Works, for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistics problem within the internal interactions of City Departments. In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection.

SECTION 3. That Change Order No. 3 for 342-80, Covington Road Country Club, Federal Grant No. C18059909, to Winzeler Excavating Co., Inc. in connection with the Board of Public Works, for:

upon excavation of the main sewer line at Covington Road and U.S. 24 an old box culvert was encountered that was not shown on the county drainage reference maps and therefore, not shown on the original plans. Due to a new box culvert being adjacent to the old culvert and existing utilities, the possibility of a field reroute was impossible. Therefore, it was necessary to remove the interfering portion of the old box culvert,

in the amounts of \$27,789.30 for Change Order No. 1, \$5,110.00 for Change Order No. 2, and \$1,835.00 for Change Order #3, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: ONE
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-283-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-58

SPECIAL ORDINANCE NO. S-284-81

AN ORDINANCE approving Change Order No. 1
for 341-80, Junk Ditch Interconnect,
Federal Grant No. C-180599-09 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 341-80, Junk Ditch Interconnect, Federal Grant No. C-180599-09 to Winzeler Excavating Co., Inc. in connection with the Board of Public Works, for:

during excavation it was noticed that there were two structures adjacent to the sewer that are requesting service and not presently in the service area of any city sewers. Since the planned sewer is adjacent to the properties, taps have been installed for both structures and laterals extended to their properties. This change will not change the size of the project

in the amount of \$1,775.00 as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-284-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-59

SPECIAL ORDINANCE NO. S-285-81

AN ORDINANCE approving Change Order No. 1
for 320-80, Patton Trailer Park Project,
Federal Grant #C180599-06

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 320-80, Patton Trailer Park Project, Federal Grant #C180599-06 to Scheidleman Excavating, Inc. in connection with the Board of Public Works for:

upon re-evaluation of including the City tap permits in the contract prices, it has created a logistic problem within the internal interactions of City Departments. In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the contract and taking the tap permit under the contract and taking care of it at the time of each connection, it will clear up many duplications of departmental requirements and a better monitoring process. Thus, insuring a smaller possibility of a tap being connected without an inspection. Additional field tiles were encountered which neither of the parties had any knowledge of their existence. Hence, this Change Order includes the overrun which was previously underestimated,

in the amount of \$5,140.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman '

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-285-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-60

SPECIAL ORDINANCE NO. S-286-81

AN ORDINANCE approving Change Order No. 1 for
314-80, Phase I, Hollywood Gardens et al,
Federal Grant No. C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 314-80, Phase I, Hollywood Gardens et al, Federal
Grant No. C-180599-06, to Earth Construction & Engineering, Inc. in connection with the Board of Public
Works, for:

the exchange of #53-#73 backfill for special backfill, along with increases in tile replacement
and base stabilization These increases are due to tile which were not recorded on any
records and unknown at the time of the bid.

in the amount of \$23,445.00, as set out in the specifications, which are on file in the Office of the Board of
Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval
by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-286-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December,
1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-61

SPECIAL ORDINANCE NO. S-287-81

AN ORDINANCE approving Change Order
No. 1, for 319-80, Federal Grant #
C-180599-06, Northcrest Pump Station
Elimination Project, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 319-80, Federal Grant # C-180599-06, Northcrest Pump Station Elimination Project to Earth Construction & Engineering, Inc. in connection with the Board of Public Works, for:

in order to construct this project: it was necessary to remove approximately 50 large size trees. In order to protect and restore the environment comparable to its original condition, approximately 50 trees will be needed to reforest this particular area. The unit costs \$300.00 was compared with several local nurseries and the prices ranged from \$250.00 to \$680.00,

in the amount of \$15,000.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-287-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-62

SPECIAL ORDINANCE NO. S-288-81

AN ORDINANCE approving Change Order No. 2,
for 314-80, Phase II, Watersolde,
Northwood, et al, Federal Grant Number
C-180599-06, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 314-80, Phase II Waterswolde, Northwood, et al, Federal Grant Number C-180599-06, to Bercot, Inc. in connection with the Board of Public Works, for:

upon re-evaluation of including the City of Fort Wayne tap permits in the contract prices, it has created a logistics problem within the internal interaction of City Departments.

In pursuing the handling of these permits, it becomes a cumbersome item. By eliminating the tap permit under the time of each connection, it will clear up many duplications of departmental requirements and creates a better monitoring process. Thus, insuring a smaller possibility of tap being connected without an inspection. Item #34-Fluid ground conditions existed along Wallen Road, which resulted in a considerable overrun of the original bid estimate of 150 CY,

in the amount of \$13,312.50, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Speical Ordinance No. S-288-81 on the 8th day of December, 1981.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-63

SPECIAL ORDINANCE NO. S-289-81

AN ORDINANCE approving Change Order No. 1
for 315-80, Aldale-Dau's, Federal Grant
No. 180599-06, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 315-80, Aldale-Dau's, Federal Grant No. 180599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

due to a shift in the sewer alignment additional backfill was required. This shift was due to a conflict with existing sewers. The additional quantities were adjusted to conform to county street restoration specifications,

in the amount of \$13,912.50, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisabrt, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-289-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-64

SPECIAL ORDINANCE NO. S-290-81

AN ORDINANCE approving Change Order No. 1
for 316-80, Cinderella Village Project,
Federal Grant No. C-180599-06, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 316-80, Cinderella Village Project, Federal Grant No. C-810599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

an exchange of 53-73 Backfill for Special Backfill and an exchange of double chip and seal for asphalt. The asphalt surface exchange was needed when it was established by lab tests that the surface was asphalt and not chip and seal,

in the amount of \$6,365.00, as set out in the specifications. which are on file in the Office of the Board of Public Works, and are by reference incorporated herein and made a part hereof be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-290-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-65

SPECIAL ORDINANCE NO. S-291-81

AN ORDINANCE approving Change Order No. 1
for 317-80, Auers-McAdams Project, Federal
Grant No. C-180599-06, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 31780, Auers-McAdams Project, Federal Grant No. C-180599-06 to John Hartman Construction, Inc., in connection with the Board of Public Works, for:

the exchange of 53-73 Backfill for Special Backfill and an addition of field tile replacement that was encountered that were unknown the time of bid.

in the amount of \$15,300.00, as set out in the specification, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-291-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-66

SPECIAL ORDINANCE NO. S-292-81

aN ORDINANCE approving Change Order
No. 1, 311-80, Ranchwood, Federal
Grant Number C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 311-80, Ranchwood, Federal Grant Number C-180599-06, to L.W. Dailey Inc. in connection with the Board of Public Works, for:

additiona quantities needed due to minor realignments generated by conflicts with existing
utilities causing the sewer to be relocated in the street,

in the amount of \$8,762.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approv ed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
Nuckols

Date: 12-8-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-292-81 on the 8th day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of December 1981, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-02

SPECIAL ORDINANCE NO. S-293-81

AN ORDINANCE further fixing the salaries of each
and every union firefighter of the City of Fort
Wayne, Indiana, for the year 1982

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has passed Special Ordinance No. S17881 entitled:

"AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy, assistant, departmental and institutional head of the Civil City of Fort Wayne, Indiana, for the year 1982; "

WHEREAS, said Ordinance did fix maximum salaries to be paid for labor grades of all employees of the Civil City of Fort Wayne, Indiana, for the year 1982;

WHEREAS, said Ordinance requires that salaries for firefighters determined through collective bargaining, be submitted to the Common Council for review and approval as required by Indiana Law.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That this Ordinance shall and does apply to all sworn union firefighters of the Fort Wayne Fire Department.

SECTION 2: That the base annual pay for the year 1982 for the firefighters covered hereunder shall be as follows:

(a) First Class Firefighters, who were First Class Firefighters as of January 1, 1982, shall receive a base annual pay for 1982 of seventeen Thousand Seven Hundred Sixty-Four and 00/100 Dollars (\$17,764.00);

(b) The base annual pay of firefighters holding the rank of Lieutenant shall be, for the year 1982, Eighteen Thousand Eight Hundred EightyOne and 00/100 (\$18,881.00),

(c) The base annual pay of firefighters holding the rank of Captain shall be, for the year 1982, Nineteen Thousand Six Hundred Eleven and 00/100 (\$19,611.00);

(d) The base annual pay of firefighters holding the rank of Platoon Captains shall be, for the year 1982, Twenty Thousand Three Hundred Seventy-Four and 00/100 Dollars (\$20,374.00);

(e) The base annual pay of firefighters holding the rank of District Chief shall be, for the year 1982, Twenty-One Thousand One Hundred Eighty-Two and 00/100 Dollars (\$21,182.00).

The base annual pay figures herein established, in this Section 2, shall be utilized for fire pension purposes and no other monetary fringe benefits or remuneration referred to in this Ordinance or elsewhere shall be included as an addition to the base salary of any firefighter for any purpose, including pension purposes.

SECTION 3: Notwithstanding any language herein to the contrary, all new firefighters hired after January 1, 1982, shall be paid Eighty Per Cent (80%) of the existing base pay of the First Class Firefighters for the first year; Ninety Per Cent (90%) of such base pay figure for the second year; and ninety-five Per Cent (95%) of such base pay figure for the third year. Such reduced annual base pay figures shall be effective past the year 1982 and shall be followed regardless of the year in question, unless the establishment of same is specifically repealed by the Common Council of the City of Fort Wayne.

SECTION 4; Each firefighter covered by this Ordinance shall receive the sum of Five Hundred Dollars (\$500,000) per year as a uniform allowance.

SECTION 5: Technical pay of Five Hundred Dollars (\$500.00) per year shall be paid to no more than twenty-two (22) positions in the Fort Wayne Fire Department in either the scuba diver classification or certified EMT instruction classification. The determination to pay such technical pay and the appropriate qualifications for same shall be determined at the discretion of the Fire Chief.

SECTION 6: Any First Class Firefighter who is required to assume duties of a higher rank shall be compensated at the normal hourly rate of a Lieutenant.

SECTION 7: Compensatory time will not be granted, but rather, appropriate overtime shall be paid.

SECTION 8: The benefits herein payable to the covered firefighters shall be in addition to any other benefits referred to in Special Ordinance No. S-178-81.

SECTION 9. Any provision, term, or section of any other Ordinance that is in conflict with this Ordinance shall be deemed amended to the extent of any such conflict.

SECTION 10: That from and after the adoption of this Ordinance as required by law, the individuals referred to herein shall be paid according to this Ordinance, subject to all appropriate budgetary provisions.

SECTION 11: If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 12: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, V. Schmidt, Schomburg, Stier, Talarico
Nays: One
D. Schmidt

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S- 293-81 on the 22nd day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-03

SPECIAL ORDINANCE NO. S-294-81

AN ORDINANCE further fixing the base salaries of police officers with the rank of Sergeant through Captain of the City of Fort Wayne, Indiana, for the year 1982

WHEREAS, the Common Council of the City of Fort Wayne has previously passed Special Ordinance No. S-178-81, which fixes the salaries of all appointed officers, employees, deputies, assistants, departmental and institutional heads of the Civil City of Fort Wayne, Indiana, for the year 1982 by establishing salary maxima labor grades;

WHEREAS, pursuant to Section 5-L of said Special Ordinance No. S-178-81, the Common Council of the City of Fort Wayne and the City of Fort Wayne has recognized that collective bargaining has occurred by and between the City of Fort Wayne and the Fraternal Order of Police representing police officers holding the rank of Sergeant through Captain;

WHEREAS, said collective bargaining process has been completed;

WHEREAS, it is necessary and required by law and pursuant to Special Ordinance No. S-178-81 that any decision made through the collective bargaining process relative to wages and monetary fringe benefits for police officers be approved by the Common Council

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: This Ordinance shall apply to police officers of the City of Fort Wayne, Indiana, holding the rank of Sergeant through Captain.

SECTION 2: That the base annual pay for the year 1982 for police officers herein referred to shall be as follows:

(a) Nineteen Thousand Five Hundred Thirty-Three and 80/100 Dollars (\$19,533.80) for Sergeant:

(b) Nineteen Thousand Nine Hundred Twenty-Four and 48/100 Dollars (\$19,924.48) for First Sergeant;

(c) Twenty Thousand Seven Hundred Seventy-Nine and 24/100 Dollars (\$20,779.24) for Lieutenant; and

(d) Twenty-One Thousand Eight Hundred Eighteen and 19/100 Dollars (\$21,818.19) for Captain.

SECTION 3: That each police officer herein referred to shall receive an annual clothing allowance of Five Hundred Dollars (500.00).

SECTION 4: That all other monetary matters dealing with police officers herein referred to are as contained in Special Ordinance No. S178-81, and this Ordinance is in conjunction with the terms and conditions of same.

SECTION 5: Only the annual base pay figures herein referred to shall have any application for police pension purposes and no other payment to any police officers herein referred to shall be construed as adding to said base pay for pension purposes.

SECTION 6: That from and after the adoption of this Ordinance, as required by law, the individuals referred to herein shall be paid according to this Ordinance, subject to appropriate budgetary provisions.

SECTION 7: If any sentence, clause, section, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid sentence, clause, section, paragraph, part or provision.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, talarico

Nays: One

Nuckols

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-294-81 on the 22nd day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-04

SPECIAL ORDINANCE NO. S-295-81

AN ORDINANCE further fixing the base salaries
of patrolmen of the City of Fort Wayne, Indiana,
for the year 1982

WHEREAS, the Common Council of the City of Fort Wayne has previously passed Special Ordinance No. S-178-81, which fixes the salaries of all appointed officers, employees, deputies, assistants, departmental and institutional heads of the City of Fort Wayne, Indiana, for the year 1982 by establishing salary maxima labor grades;

WHEREAS, pursuant to Section 5-L of said Special Ordinance No. S-178-81, the Common Council of the City of Fort Wayne and the City of Fort Wayne has recognized that collective bargaining has occurred by and between the City of Fort Wayne and the Patrolmen's Benevolent Association representing all of the patrolmen of the City of Fort Wayne, Indiana;

WHEREAS, said collective bargaining process has been completed and, in fact, arbitration has been held, and an arbitration decision has been given relative to wages and clothing allowance for patrolmen for the year 1982;

WHEREAS, it is necessary and required by law and pursuant to Special Ordinance No. S-178-81 that any decision made through the collective bargaining process relative to wages and monetary fringe benefits for police officers by approved by the Common Council.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the base annual pay for the year 1982 for all patrolmen of the Police Department of the City of Fort Wayne, Indiana, shall be Seventeen Thousand Seven Hundred Fifty-Eight Dollars (\$17,758.00).

SECTION 2: That each such patrolman shall receive an annual clothing allowance of Five Hundred Dollars (\$500.00).

SECTION 3: That all other monetary matters dealing with patrolmen for the year 1982 are as contained in Special Ordinance No. S-178-81, and this Ordinance is in conjunction with the terms and conditions of same.

SECTION 4: That notwithstanding anything herein to the contrary, the terms and conditions as contained in Special Ordinance No. S-81-03-46 concerning pre-base annual pay figures of Eighty Per Cent (80%), Ninety Per Cent (90%), and Ninety-Five Per Cent (95%) and appropriate waiting periods for fringe benefits, as therein established, for patrol officers, shall apply.

SECTION 5: Only the annual base pay figure herein referred to shall have any application for police pension purposes and no other payment to any patrol officer shall be construed as adding to said base pay for pension purposes.

SECTION 6: That from and after the adoption of this Ordinance, as required by law, the individuals referred to herein shall be paid according to this Ordinance, subject to appropriate budgetary provisions.

SECTION 7: If any sentence, clause, section, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid sentence, clause, section, paragraph, part or provision.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, GiaQuinta, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: One

Nuckols

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-295-81 on the 22nd day of December, 1981.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-05

SPECIAL ORDINANCE NO. S-296-81

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
REVENUE BOND (LINCOLN PRINTING CORP.
PROJECT)" AND APROVING OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Lincoln Printing Corp. Project regarding the financing of proposed economic development facilities for Lincoln Printing Corp., and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 3, 1981, and also adopted a resolution of December 3, 1981, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Lincoln Printing Corp. complies with the purposes and provision of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement and Security Agreement, Bond Purchase Agreement and Trust Indenture, Note, and Bond; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement and Security Agreement and Bond Purchase Agreement and Trust Indenture approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of revenue bond, the loan of the proceeds of the revenue bond to Lincoln Printing Corp. for the acquisition and contruction of such revenue bond by the note payments of Lincoln Printing Corp. under the Loan Agreement and Security Agreement and Note, and the securing of said Bond by the granting of a security interest in the equipment included in the Project to the City of Fort Wayne, under the Loan Agreement and Security Agreement, which Loan Agreement and Security Agreement is assigned, transferred and pledged to the Bondholder pursuant to the Bond Purchase Agreement and Trust Indenture, complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The substantially final forms of the Loan Agreement and Security Agreement, Bond Purchase Agreement and Trust Indenture, Note, and Bond, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Bond (Lincoln Printing Corp. Project), in the total principal amount of Four Hundred Fifty Thousand Dollars (\$450,000) and maturing February 1, 1982, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement and Security Agreement, and Bond Purchase Agreement and Trust Indenture incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the note payments made by Lincoln Printing Corp. under the Loan Agreement and Security Agreement and Note

or as otherwise provided in the above described Loan Agreement and Security Agreement and Bond Purchase Agreement and Trust Indenture. The Bond is issued in a fully registered form in the principal sum of \$450,000.00; may be assigned and transferred pursuant to Section 15 of the Bond Purchase Agreement and Trust Indenture; payments of principal and interest are payable in lawful money of the United States of America in immediately available funds to the bondholder; and shall be redeemed as provided in Section 4 of the Bond Purchase Agreement and Trust Indenture. The bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 4. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum on the Bond not to exceed 70% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne at its principal office, as such rate changes from date to date (except in the event of a Determination of Taxability, as set forth in the Loan Agreement and Security Agreement and Bond Purchase Agreement and Trust Indenture), and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk is authorized to arrange for delivery of such Bond to the Trustee named in the Trust Indenture, payment for the Bond will be made to the Trustee named in the Trust Indenture, and after such payment the Bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the Bond to the Trustee within ninety days of the adoption of this Ordinance. The Bond shall be dated as of the date of delivery.

SECTION 6. The provisions of this Ordinance and the Trust Indenture securing the Bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond (Lincoln Printing Corp. Project), and after the issuance of said Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt Schomburg, STier,
Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-297-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-07 (AS AMENDED)

RESOLUTION NO. R-99-81

A RESOLUTION supporting the efforts to design
and specify a comprehensive office information
processing network

WHEREAS, the demand for City services is constantly increasing in the face of shrinking resources; and

WHEREAS, office automation affords a unique opportunity to improve City Government productivity while reducing costs; and

WHEREAS, the City is establishing a comprehensive Management Information System which will require extensive access to the City's new mainframe computer; and

WHEREAS, office automation may increase the productivity of the City's ¹⁸⁰~~130~~ clerical employees by as much as 25%; and

WHEREAS, office automation will substantially improve the City's ability to process paper and to do so at a lower cost; and

WHEREAS, office automation will facilitate the creation of an integrated data processing, word processing and telecommunications network; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne supports the Administration's continuing effort to design and specify a comprehensive office information processing network.

SECTION 2. That the Common Council concurs with the Administration that the Administration conduct, with the assistance of private sector experts and Common Council members, a bid process to choose a vendor(s) to supply the City of Fort Wayne with office automation equipment.

SECTION 3. That this Resolution is hereby approved and adopted by the Common Council and shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-99-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-10

RESOLUTION NO. R-100-81

A RESOLUTION calling for a mutual halt
to the nuclear arms race by the United States
and the Soviet Union

WHEREAS, nuclear war, even a "limited" one, would result in death, injury, and disease on a scale that has no precedent in human history; and,

WHEREAS, medical "disaster planning" for nuclear war is meaningless as most hospitals would be destroyed, most medical personnel dead or injured, most medical supplies unavailable, and most "survivors" likely to die; and,

WHEREAS, there is no effective civil defense against nuclear war since the blast, thermal and radiation effects would kill even those in shelters and fallout would reach even those who had been evacuated; and,

WHEREAS, recovery from a nuclear war would be impossible since the economic, ecologic and social fabric on which human life rests would be destroyed in the USA, the USSR and much of the rest of the world; and,

WHEREAS, there can be no winners in a nuclear war as world-wide fallout would contaminate much of the globe for generations and atmospheric effects would severely damage all living things.

NOW BE IT HEREBY RESOLVED by the Common Council of the City of Fort Wayne:

Section 1. That we join with with the National Council of Churches, Church Women United, the American Friends Service Committee, the Physicians for Social responsibility, American Catholic Bishop, United Methodist Church, United Presbyterian Church, United Church of Christ, Church of the Brethren, Disciples of Christ, City of Oxford, Ohio, and other church, civic and governmental bodies and other concerned National, State and local groups to concur with the Call to Halt of the Nuclear Arms Race, as follows:

"To improve National and International security, the United States of American and the USSR should stop the nuclear arms race. Specifically, both nations should adopt a mutual freeze on the testing, production and deployment of nuclear weapons, and of missiles and new aircraft designed primarily to deliver nuclear weapons. This is an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenal."

Section 2. That this resolution and the record of its approval by the Common Council of the City of Fort Wayne be forwarded to the President of the United States, Ronald Reagan, and to the Secretary of State, Alexander Haig, and to United States Senator, Richard G. Lugar, and United States Senator, Dan Quayle and 4th Indiana District Representative, Dan Coates.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Nuckols, V. Schmidt, Stier, Talarico
Nays: One
Schomburg
Abstained: Two
Burns, D. Schmidt

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-100-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-30

RESOLUTION NO. R-101-81

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to certain accounts for purpose of repairs of such property

WHEREAS, various items of City property have been damaged by certain parties; and,

WHEREAS, insurance companies have reimbursed the City for such damages and such reimbursements have been received and receipted by the City Controller into the General Fund; and,

WHEREAS, the City Departments involved have repaired or replaced such damaged items; and,

WHEREAS, O? C? 6-1/1-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that these insurance proceeds be used to repair the items damaged.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Controller is authorized to transfer the following sums of insurance claim proceeds to the accounts as listed;

Traffic Engineering

402-010-011-4440	Other Materials	\$ 4,438
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Fire Department

402-010-015-4430	Repair Parts	\$ 546
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Police Department

402-010-014-4430

402-010-014-4430	Repair Parts	\$ 2,298
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Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-101-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-31

RESOLUTION NO. R-102-81

A RESOLUTION closing certain dormant funds
and transferring the unused monies remaining
in these funds to the General Fund

WHEREAS, Fund No. 470, Fire Pension 1977, and Fund No. 471, Police Pension 1977, are no longer required for the operation of the City; and,

WHEREAS, there are unused and unencumbered monies in Fund No. 470 in the amount of \$6,853.38 and in Fund No. 471 in the amount of \$11,941.76; and,

WHEREAS, I.C. 36-1-8-56 provides that such unused and unencumbered monies in such dormant funds be transferred to the General Fund; and,

WHEREAS, the City Controller has recommended that such monies be transferred to the General Fund.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Controller is authorized to close Fund No. 470, Fire Pension 1977 and transfer \$6,853.38 to the General Fund.

Section 2. That the Controller is authorized to close Fund No. 471, Police Pension 1977 and transfer \$11,941.76 to the General Fund.

Section 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-102-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-32

RESOLUTION NO. R-103-81

A RESOLUTION transferring funds between certain
accounts within the 1981 budgets of certain
departments of the City of Fort Wayne

WHEREAS, it has become necessary to transfer funds between certain accounts within the 1981 budgets of certain departments of the City of Fort Wayne; and,

WHEREAS, in each instance the respective departments need additional funds in certain accounts to fulfill their obligations for the remainder of 1981 and there are adequate funds in other accounts of such department's 1981 budget; and,

WHEREAS, the City Controller has recommended that such transfers be effected.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the Controller is authorized to transfer sums between accounts within the 1981 budgets of certain departments of the City in accordance with the following list of departments, accounts and sums to be transferred:

Aviation

From:

402-120-120-4713	Surface Improvements	\$7,500
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To:

402-120-120-4510	Insurance	7,500
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Street Department

From:

402-128-128-4510	Insurance	\$28,000
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To:

402-128-128-4320	Diesel Fuel	\$14,000
402-128-128-4321	Gasoline	<u>14,000</u>
		\$28,000

Section 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-103-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. R-81-12-41

RESOLUTION NO. R-105-81

A RESOLUTION concerning moratorium on
enforcement of Sec. 28-5 of The Code
of The City of Fort Wayne, Indiana of 1974

WHEREAS, Sec. 28-5 of The Code of the City of Fort Wayne, Indiana of 1974 provides as follows:

Sec. 28-5. Financial statements to be filed
with controller.

All taxicab companies operating in the city shall
annually, on the first day of January of each year,
file a full and complete financial statement,
properly certified to be a certified public
accountant, with the controller of the City.
(Code 1946, ch. 29, 15; Ord. No. S3179,
2, 2-27-79)

and;

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is considering revisions to said Sec. 28-5 of The Code Of The City Of Fort Wayne, Indiana of 1974, along with other revisions to said Code affecting taxicabs but will not be able to fully enact all of said provisions and place same in operation on the first day of January 1982 and, therefore, there should be a moratorium on said Sec. 28-5.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana that there shall be a moratorium on enforcement of the provisions of Sec. 28-5 until a complete and comprehensive taxicab ordinance, including possible revisions to said Sec. 28-5 be placed in force and effect or until the Common Council of the City of Fort Wayne, Indiana revokes said moratorium, whichever event first occurs.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-105-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-10-32

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot #307 in Hamilton's Fourth Addition more
commonly known as 2210 South Clinton Street

and the symbols of the City of Fort Wayne Zoning Map No. M3, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Five
Burns, Nuckols, D. Schmidt, Schomburg, Talarico
Nays: Four
Eisbart, GiaQuinta, V. Schmidt, Stier

Date: 12-22-81

Charles W. Westerman
City Clerk

BILL NO. G- 81-12-2D32-81.

GENERAL ORDINANCE NO. G-

An Ordinance repealing Division 1, Section 2-9 of Chapter 2 of The Code Of The City Of Fort Wayne, Indiana of 1974 as amended and substituting in place thereof a new Division 1, Section 2-9 of The Code Of The City Of Fort Wayne, Indiana of 1974 and concerning Councilmanic Districts.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Division 1, Section 2-9 of Chapter 2 of The Code Of The City Of Fort Wayne, Indiana of 1974 as amended be and the same is hereby repealed and that a new Division 1, Section 2-9 of Chapter 2 of The Code Of The City Of Fort Wayne, Indiana of 1974 as amended be substituted in place thereof and shall read as follows:

DIVISION 1. GENERALLY

Sec. 2-9 - Councilmanic Districts

The City is hereby divided and there are hereby established the following Councilmanic Districts:

(a) CITY COUNCILMANIC POLITICAL WARD NO. 1 ✓

City Councilmanic Political Ward No. 1 shall comprise all that territory within the corporate limits of the city described as follows: Beginning at a point on the north right-of-way line of East State Boulevard, said point located 790.69 feet east of the intersection of the north right-of-way line of East State Boulevard and the center line of Section 33, Township 31 North, Range 13 East; thence in a northeasterly direction along the north right-of-way line of Hicksville Road (East State Blvd.) to the east line of the fractional northwest $\frac{1}{4}$ of Section 34, Township 31 North, Range 13 East; thence south along said east line of the fractional northwest $\frac{1}{4}$ of Section 34, (assumed to be the northerly projection of West line of Lot #2 in Browning Sub. of Kercheval Reserve) to the northwest corner of Lot #2 in Browning Sub. of Kercheval Reserve as recorded in Deed Book W, Pages 387-388; thence continuing in a southerly direction along the west line of said Lot #2 in Browning Sub. to a point located 262.68+ feet north of the southwest corner of said Lot #2 in Browning Sub., said point more particularly described as being the northwest corner of Lot #77 of Lake Forest Extended, Section III as recorded in Plat Book 33, Pages 19-20; thence east on a line parallel to and 262.68+ feet north of the south line of Lots #1 & #2 of said Browning Sub., to the westerly right-of-way line of Maysville Road (Lake Avenue); thence southwesterly along the westerly right-of-way line of Maysville Road (Lake Avenue) to the west line of said Kercheval Reserve; thence in a westerly direction along the north right-of-way line of Maysville Road (Lake Avenue) to the north-south center line of Section 4, Township 30 North, Range 13 East; thence south along the north-south center line of Section 4 and Section 9, Township 30 North, Range 13 East, to the north right-of-way of the Norfolk and Western Railroad; thence west along said north right-of-way line of the Norfolk and Western Roadroad to the center line of Coliseum Blvd.; thence south along the center line of Coliseum Blvd., to the center line of Pontiac Street; thence west along the center line of Pontiac Street to the center line of Hanna Street; thence north along the center line of Hanna Street to the center line of Suttentfield Street; thence west line the center line of Suttentfield Street to the center line of Hoagland Avenue; thence South along the center line of Hoagland Avenue to the center line of Pontiac Street; thence west along the center line of Pontiac Street to the center line of Fairfield Avenue; thence north along the center line of Fairfield Avenue to

Councilmanic Political Ward No. 1

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the center line of Creighton Avenue; thence west along the center line of Creighton Avenue to the center line of Broadway; thence north along the center line of Broadway to the center line of Dewald Street; thence east along the center line of Dewald Street to the center line of Hoagland Avenue; thence north along the center line of Hoagland Avenue to the center line of the Pennsylvania (Penn-Central) Railroad; thence east along the center line of the Pennsylvania (Penn-Central) Railroad to the center line of McClellan Street projected south; thence north along the center line of McClellan Street to the center line of Baker Street; thence east along the center line of Baker to the center line of Webster Street; thence north along the center line of Webster Street to the center line of Washington Blvd.; thence east along the center line of Washington Blvd., to the center line of Calhoun Street; thence north along the center line of Calhoun Street to the center line of the St. Mary's River; thence following the meandering east of the St. Mary's River to its intersection with the St. Joseph River; thence following the meandering north of the St. Joseph River to the center line of Tennessee Avenue; thence east along the center line of Tennessee Avenue to the center line of Crescent Avenue; thence north along the center line of Crescent Avenue to the center line of Vermont Avenue; thence east along the center line of Vermont Avenue to the center line of Randallia Drive; thence south along the center line of Randallia Drive to the center line of Lake Avenue; thence east along the center line of Lake Avenue to the center line of Hobson Road; thence north along the center line of Hobson Road to the north right-of-way line of East State Blvd.; thence east along the north right-of-way line of East State Blvd., to the point of beginning.

(b) CITY COUNCILMANIC POLITICAL WARD NO. 2

City Councilmanic Political Ward No. 2 shall comprise all of that territory within the corporate limits of the city described as follows: Beginning at the point of intersection of the center line of North Clinton Street and the north property line of Concordia Senior Collage extended west; thence east along the north property line of Concordia Senior College to the normal center line of the St. Joseph River; thence in a northerly direction along the center line of said river to the north line of Section 17, Township 31 North, Range 13 East; thence west along the said north line to the north line of Section 18, Township 31 North, Range 13 East and continuing west along said north line to the east right-of-way line of Leo Road; thence northeast along the east right-of-way line of Leo Road to the south line of "The Meadows in the Park" as recorded in Book 43, Pages 3-7, in the Office of Recorder of Allen County; thence South 66 degrees 58' 00" east a distance of 556.52 feet; thence south 85 degrees 22' 26" east a distance of 104.81 feet; thence north 72 degrees 37' 47" east a distance of 124.56 feet; thence south 35 degrees 47' 01" east a distance of 788.28 feet; thence north 87 degrees 31' 30" east a distance of 290.37 feet; thence north 43 degrees 46' 30" east a distance of 458.38 feet; thence north 46 degrees 13' 30" west a distance of 53.73 feet; thence north 43 degrees 46' 30" east a distance of 139.78 feet to a point on the east line of Section 7-31-13; thence north along the east line of Section 7 to the center line of said Section 7; thence west along center line of Section 7 to the east right-of-way line of Leo Road; thence northeasterly along the east right-of-way line of Leo Road to the intersection of the north line of Section 8-31-13; thence east along the north line of said Section 8 to the west line of Bouries Reserve; thence southerly along the west line of Bouries Reserve a distance of 636 feet; thence south 70 degrees east a distance of 1000 feet; thence south 18 degrees east a distance of 800 feet; thence at a deflection to the left of 38 degrees 32' a distance of 700 feet; thence at a deflection to the right of 90 degrees 01' 30" on a line extended to the center line of the St. Joseph River; thence following the center line of the St. Joseph River in its meanderings south to a line projected west from the south line of the northeast 100 acres of DeRome Reserve; thence in a southeasterly direction along said projected line to the southwest corner of the aforementioned northeast 100 acres;

thence continuing southeasterly along the south line of the northeast 100 acres of DeRome Reserve a distance of 209.1 feet; thence south 29 degrees 36' west a distance of 880.1 feet; thence by a deflection left 95 degrees 34' a distance of 549.7 feet; thence by a deflection right 80 degrees 20' a distance of 398 feet; thence by a deflection left 87 degrees 18' to the west right-of-way line of the St. Joe Road; thence north along the west right-of-way of the St. Joe Road to the south right-of-way of the Evard Road projected west; thence east along the south right-of-way of Evard Road to the west right-of-way of the Reed Road; thence south along the west right-of-way of the St. Joseph Center Road; thence west along the south right-of-way line of St. Joseph Center Road to a point 208.7 feet west of the northeast corner of the northwest 1/4 of Section 20, Township 31 North, Range 13 East; thence south 00 degrees 10 minutes east, a distance of 596.8 feet; thence north 90 degrees 00 minutes west, a distance of 369.39 feet; thence north 00 degrees 07 minutes east a distance of 73.24 feet; thence north 89 degrees 47 minutes west, a distance of 217.7 feet; thence north 82 degrees 00 minutes west, a distance of 500+ lineal feet to the west right-of-way line of St. Joe Road; thence south along the west right-of-way line of St. Joe Road to the north line of the south 1/2 of Section 20, Township 31 North, Range 13 east; thence east along said north line to the center of said Section 20; thence south along the north-south center line of said Section 20 and the north-south center line of Section 29, Township 31 North, Range 13 East to the south right-of-way line of the Stellhorn Road; thence west along the south right-of-way line of the Stellhorn Road to the west right-of-way line of the Hobson Road; thence south along the west right-of-way line of the Hobson Road to the north right-of-way line of the Trier Road; thence east along the north right-of-way line of the Trier Road to the west right-of-way line of the Reed Road; thence south along the west right-of-way line of the Reed Road to the south right-of-way line of the Trier Road; thence east along the south right-of-way line of the Trier Road to the north-south center line of Section 28, Township 31 North, Range 13 East; thence south along the said north-south center line of Section 28 and continuing south along the center line of Section 33, Township 31 North, Range 13 East to a point located 1,398 feet north of the center line of Section 33, Township 31, Range 13 East; thence northerly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the

last course being substended by a chord having a length of 40.33 feet and a bearing of North 74 degrees 35 minutes 56 seconds east; thence south 20 degrees 19 minutes 06 seconds east on a line not tangent to the last described curve course a distance of 179.86 feet; thence south 55 degrees 30 minutes 34 seconds east a distance of 151.26 feet; thence south 18 degrees 50 minutes 45 seconds east a distance of 194.66 feet; thence south 53 degrees 42 minutes 32 seconds west a distance of 191.95 feet; thence south 25 degrees 02 minutes 41 seconds east a distance of 244.70 feet; thence south 64 degrees 40 minutes 30 seconds east a distance of 284.41 feet; thence north 85 degrees 44 minutes 04 seconds east a distance of 178.14 feet; thence north 60 degrees 34 minutes 35 seconds east a distance of 262.24 feet; thence north 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 88 degrees 55 minutes 30 seconds east a distance of 190.0 feet to the east line of said Indiana and Michigan Electric Co., right-of-way; thence north 01 degrees 04 minutes 30 seconds east along said east right-of-way line 495 feet to the southwest corner of Lot 18 in the Hollows Section I as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence south 89 degrees 13 minutes 00 seconds east along the south line of the Hollows a distance of 815.00 feet; thence north 63 degrees 19 minutes 20 seconds east continuing along said south line a distance of 145.00 feet to the southwest corner of Lot 5 in the Hollows; thence leaving said south line south 26 degrees 58 minutes 46 seconds east a distance of 75.36 feet; thence south 89 degrees 22 minutes 48 seconds east a distance of 289.48 feet to the east line of the northeast quarter of Section 33; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.0 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White, husband and wife from Arlington Investment Corp., by warranty deed April 15, 1971, and recorded as document #71 5913 in the Office of the Recorder of Allen County; thence south 87 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes west deed) along the northerly line of the White parcel a distance of 336.0 feet; thence south 00 degrees 46 minutes 00 seconds west along the west line of the white parcel and the southerly extension thereof a distance of 216.0 feet to a point on the northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township and Range and recorded

in plat book 21, page 27, Office of the Recorder of Allen County, Indiana; thence south 87 degrees 57 minutes 47 seconds west along said northerly line and the westerly extension thereof a distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east (by right angle measurement) of and parallel with the west line of the east half of the northeast quarter of Section 33 aforementioned; thence continuing south 01 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 67 degrees 37 minutes 34 seconds west a distance of 209.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 71.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly most corner of the property conveyed from the Northeastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence south 65 degrees 10 minutes 34 seconds west a distance of 28.25 feet; thence south 26 degrees 11 minutes 16 seconds west a distance of 131.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 01 degrees 07 minutes 22 seconds west a distance of 40.99 feet to a point of the center line of East State Blvd., thence west along the center line of East State Boulevard to the center line of Hobson Road; thence south along the center line of Hobson Road to the center line of Lake Avenue; thence west along the center line of Lake Avenue to the center line of Randallia Drive; thence north along the center line of Randallia Drive to the center line of Vermont Avenue; thence west along the center line of Vermont Avenue to the center line of Crescent Avenue; thence south along the center line of Crescent Avenue to the center line of Tennessee Avenue; thence west along the center line of Tennessee Avenue to the center line of the St Joseph River; thence following the meandering north of the St. Joseph River to its intersection with the west line of Section 19, Township 31 North, Range 13 East; thence north along the west line of Section 19, Township 31 North, Range 13 East to the center line of California Road; thence west along the center line of California Road to the center line of Coldwater Road; thence north along the center line of Coldwater road to the center line of Washington Center Road; thence east along the center line of Washington Center Road to the center line of North Clinton Street; thence northeast along the center line of North Clinton Street to the point of beginning.

(c) CITY COUNCILMANIC POLITICAL WARD NO. 3

City Councilmanic Political Ward No. 3 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at a point located on the center line of North Clinton Street at its intersection with a line projected west from the north property line of Concordia Senior College; thence west along said projected line to the west right-of-way line of North Clinton Street; thence southwest along the west right-of-way line of Clinton Street to the east right-of-way line of Red Haw Drive; thence north along the east right-of-way line of Red Haw Drive to a line projected east from a line located 600 feet north of the south line of A.F. Smith Subdivision; thence west along said line to the east line of Lot 30 in Springwood Addition; thence north along the east line of said Lot 30 to the northeast corner of said Lot 30; thence west along the north lines of Lots 22 thru 30 to the northwest corner of Lot 22 in Springwood Addition; thence north along the east lines of Lots 11 thru 20 also located in Springwood Addition to the south right-of-way line of Cook Road, point also being the northeast corner of said Lot 11; thence east along the south right-of-way line of Cook Road to the northwest corner of Lot "D" lying in A.F. Smith Subdivision; thence north to the north right-of-way line of Cook Road; thence east along the north right-of-way line of Cook Road to the east line of the Southwest 1/4 of Section 12, Township 31 North, Range 12 East; thence north along said east line to Lot 100 in Wheatridge Section I; thence northwesterly along the northeast lines of Lots 100 thru 112 in said subdivision to the northwest corner of said Lot 112; thence southwest along the west line of said Lot 112 to the northeast line of Lot 113 in Wheatridge Section I; thence northwest along the northeast line of said Lot 113 to the northwest corner of said Lot 113; thence southwest along the westerly lines of Lots 113 thru 122 to the northwest corner of said Lot 122 to the northwest corner of said Lot 122 in Wheatridge Section I; thence north 26° 50' 50" east a distance of 133.38 feet; thence north on a line parallel to the west line of the Southwest 1/4 Section 12, Township 31 North, Range 12 East a distance of 30+ feet; thence west on a line parallel to the south line of said Section 12 a distance of 10+ feet thence north 26° 50' 50" west a distance of 212.62 feet; thence south 84° 12' 53" west a distance of 805.73 feet to the east right-of-way line of Coldwater Road, thence south along the east right-of-way line of Coldwater Road a distance 166 feet to a point, also being the north line of the south 1/2 of the Southwest 1/4 Section 12, Township 31 North, Range 12 East; thence

west along said north line and continuing along the north line of the south 1/2 of the Southeast 1/4 Section 11, Township 31 North, Range 12 East to a point 664.84 feet west of the east line of the said Southeast 1/4 Section 11; thence south along a line parallel to the said east line of the Southeast 1/4 Section 11 to the north right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn Central Railroad commencing at the north right-of-way line of Cook Road and the west right-of-way of Penn Central Railroad; thence north along the west right-of-way of Penn Central Railroad to its intersection with the north line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East; thence west on the north line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East to its intersection with the west line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East; thence south on the west line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East to its intersection with the south right-of-way line of Cook Road; thence west on the south right-of-way line of Cook Road to the east right-of-way line of State Road 3; thence southeasterly along the east right-of-way line of State Road 3 to the south right-of-way line of Washington Center Road; thence west along the south right-of-way line of Washington Center Road to the east right-of-way of Huguenard Road; thence south along the east right-of-way of Huguenard Road to the north right-of-way line of U.S. Highway 30 and 33; thence southeasterly along the north right-of-way line of U.S. Highway 30 and 33 to the east right-of-way of Hatfield Road; thence north along the east right-of-way line of Hatfield Road to the south right-of-way line of Arthur Street; thence east along the south right-of-way line of Arthur Street to the west right-of-way line of the Penn Central Railroad; thence south along the west right-of-way line of the Penn Central Railroad to the south right-of-way line of Coliseum Blvd. (U.S. 30 Bypass); thence west along the south right-of-way line of Coliseum Blvd. to the intersection of the west right-of-way line of U.S. Highway 30; thence in a northwesterly direction along the west right-of-way line of U.S. Highway 30 (Goshen Road) to the north right-of-way line of Coliseum Blvd.; thence west on the north right-of-way line of Coliseum Blvd. to its intersection with the west line of the Southeast 1/4 of Section 21, Township 31 North, Range 12 East; thence south on the west line of the Southeast 1/4 of Section 21, Township 31 North, Range 12 East and the west line of the northeast

quarter of Section 28, Township 31 North, Range 12 East to the south right-of-way line of Burma Road; thence west along the south right-of-way line of Burma Road a distance of 330 feet; thence south along a line parallel to the east line of the Northwest 1/4 Section 28, Township 31 North, Range 12 East to the north line of the south 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 28; thence west along said north line, to the west line of the east 1/2 of the Northwest 1/4 of said Section 28; thence south along the west line of the east 1/2 of the Northwest and Southwest 1/4's of said Section 28 to the south line of said Section 28 also being the center line of Butler Road; thence east along said south line of Section 28 to the east line of the west 1/2 of the Southeast 1/4 of said Section 28; thence north along said east line to the north line of the Southeast 1/4 of the Southeast 1/4 of said Section 28; thence east along said north line to the west right-of-way of the Grand Rapids & Indiana Railroad; thence south along the west right-of-way line of Grand Rapids & Indiana Railroad to a point 1620 feet north of the north right-of-way line of West State Blvd; thence west a distance of 826.8 feet along a line 1620 feet north of the north right-of-way line of West State Blvd; thence south a distance of 1620 feet to the north right-of-way line of West State Blvd.; thence west along the north right-of-way line of West State Blvd. to the west line of the east half of Section 33, Township 31 North, Range 12 East; thence south to the south right-of-way line of West State Street; thence west along the south right-of-way line of West State Blvd. to its intersection with the east right-of-way line of Hillegas Road; thence south along the east right-of-way line of Hillegas Road to its intersection with the north right-of-way line of Leesburg Road; thence west 25 feet on a line perpendicular to the east right-of-way line of Hillegas Road to the center

line of Hillegas Road, said center line also being the west line of Section 33, Township 31 North, Range 12 East; thence south along the west line of said Section 33 to its intersection with the north right-of-way line of Bass Road (Yellow River Road), thence east along the north right-of-way line of Bass Road to the west right-of-way line of Lindenwood Avenue; thence south along the west right-of-way line of Lindenwood Avenue to the center line of the Norfolk & Western Railroad; thence southeasterly along the Norfolk & Western Railroad to its intersection with center line of Osage Street; thence west and south along the Penn Central Railroad to the center line of Watkins Street; thence south along the center line of Watkins Street to its intersection with

the center line of Greenwood Avenue and the north line of West Swinney Park; thence east along the north line of West Swinney Park to the center of the St. Mary's River; thence north and east following the meandering of the St. Mary's River to the center line of the Norfolk & Western Railroad; thence west along the center line of the Norfolk & Western Railroad to the center line of St. Mary's Avenue; thence north along the center line of St. Mary's Avenue to the center line of High Street; thence east along the center line of High Street to the center line of Sherman Street; thence north along the center line of Sherman Street to the center line of Fourth Street; thence east along the center line of Fourth Street to the center line of Wells Street; thence south along the center line of Wells Street to the center line of the St. Mary's River; then northeasterly following the meanderings of the St. Mary's River to its intersection with the St. Joseph River; thence following the meandering north of the St. Joseph River to its intersection with the west line of Section 30, Township 31 North, Range 13 East; thence north along the west line at Section 30, Township 31 North, Range 13 East to the center line of California Road extended east; thence west along the center line of California Road to the center line of Coldwater Road; thence north along the center line of Coldwater Road to the center line of Washington Center Road; thence east along the center line of Washington Center Road to the center line of North Clinton Street; thence northeast along the center line of North Clinton Street to the point of beginning.

EXCEPTING THERE FROM THE FOLLOWING:

Beginning at the northeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 31 North, Range 12 East, thence westerly along the south line of the north half of the north half of said Sections 13 and 14 to the west right-of-way line of the Penn Central Railroad Company's right-of-way; thence south along said west right-of-way to the north right-of-way line of Interstate 69; thence in a northeasterly direction along the north right-of-way line of Interstate 69 to the center line of Ludwig Road, assumed common with the east-west center line of said Section 14, thence east along the center line of Section 13 to the southeast corner of the southwest 1/4 of the northwest 1/4 of Section 13; thence north along the east line of the northwest 1/4 of said Section 13 to the point of beginning.

City Councilmanic Political Ward No. 4 shall comprise all of that territory within the corporate limits of the city as described as follows: Beginning at a point located at the intersection of the south right-of-way line of Lower Huntington Road and the east line of Lot #5 in Archange Godfrey's Subdivision of Richardville Reserve on the west bank of the St. Mary's River and said line projected northeast; thence in a southwesterly direction along the east line of said Lot #5 and said line projected northeast to the southwesterly line of Boggs Heights Subdivision; thence southeasterly along the southwesterly line of Boggs Heights Subdivision to the northwesterly right-of-way line of Kinnerk Road; thence southwesterly along the northwesterly right-of-way line of Kinnerk Road to the south line of Lot #5 in said Godfrey's Subdivision said line projected southeast; thence in a northwesterly direction along said south line to the east-west center line of Section 34, Township 30 North, Range 12 East; thence west on said east-west center line to the north-south center line of said Section 34; thence south on said north-south center line to the north right-of-way line of Ounkelberg Road; thence west along the north right-of-way line of the Ounkelberg Road to its intersection with the west right-of-way line of Bluffton Road; thence south along the west right-of-way line of the Bluffton Road to the south line of Section 33, Township 30 North, Range 12 East; thence west along the south line of said Section 33 to the center line of the Harbor Oitch; thence meandering in a northwesterly direction along the center line of the Harbor Oitch to the east line of the southwest quarter of Section 33, Township 30 North, Range 12 East; thence south along the east line of the southwest $\frac{1}{4}$ of Section 33, Township 30 North, Range 12 East and said line projected south to a point in Section 4, Township 29, Range 12 East, 85 feet south of the south line of Section 33, Township 30 North, Range 12 East; thence west along a line 85 feet south of and parallel to the north line of Section 4, Township 29 North, Range 12 East to its intersection with the easterly right-of-way line of State Road 3; thence in a northerly direction along the easterly right-of-way line of State Road 3 to its intersection with the south line of Section 33, Township 30 North, Range 12 East; thence westerly along the south line of Section 33, a distance of 111.0 feet, more or less, to the intersection of the westerly right-of-way line projected of State Road 3; thence southwesterly along the west right-of-way of State Road 3 to the south line of the north half of Section 5, Township 29 North, Range 12 East; thence westerly along the south line of the north half of Section 5 a distance of 2850.0 feet more or less to a point 1700.0 feet east of the west line

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of Section 5; thence north a distance of 2100 feet to the north right-of-way line of Oalman Road; thence westerly along the north right-of-way line of Oalman Road a distance of 1680.0 feet more or less, to the east right-of-way line of Smith Road; thence north along the east right-of-way line of Smith Road a distance 2620 feet; thence easterly along the north line of the south half of said Section 32 a distance of 5260.0 feet to the west line of Section 33, Township 30 North, Range 12 East; thence north along said west line of Section 33 a distance of 1000.0 feet; thence south 88 degrees 02' east along an existing line fence, a distance of 750.0 feet more or less to the center of Harbor Oitch; thence meandering in a northwesterly direction along the center line of the Harbor Oitch to the south right-of-way line of the Lower Huntington Road; thence west along the south right-of-way line of Lower Huntington Road to the west right-of-way line of Ardmore Avenue projected south; thence north along the west right-of-way line of Ardmore Avenue and said projected south to the north right-of-way line of the Engle Road; thence east along the north right-of-way line of the Engle Road to the north right-of-way line of the Norfolk & Western Railroad; thence northeasterly along the north right-of-way line of the Norfolk & Western Railroad to the north-south center line of Section 16, Township 30 North, Range 12 East; thence north along the said north-south center line to the south right-of-way line of Nuttman Avenue; thence east along the south right-of-way line of Nuttman Avenue to the east right-of-way line of Freeman Street Projected south; thence north along said east right-of-way line of Freeman Street and said line projected south to a point situated a distance of 251 feet north of the south line of Section 9, Township 30 North, Range 12 East; thence west on a line 251 feet north of and parallel with the said south line of Section 9, and said line projected west to the west right-of-way line of Ardmore Avenue; thence south along the west right-of-way line of Ardmore Avenue to the south right-of-way line of Covington Road; thence west along the south

right-of-way line of Covington Road to the north right-of-way line of Upper Huntington Road; thence in a northeasterly direction along the north right-of-way line of Upper Huntinton Road to the north right-of-way line of Covington Road; thence west along the north right-of-way line of Covington Road to the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to a point located 212.75 feet north of the south line of the northeast $\frac{1}{4}$ of Section 7, Township 30 North, Range 12 East; thence east on a line parallel to the south line of said $\frac{1}{4}$ section a distance of 227.6 feet; thence north a distance of 162.75 feet to the south line of Lot 17 in Pauey's Subdivision; thence east along the south lot

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line of said Lot 17 a distance of 195.8 feet to the northeast corner of said Lot 17; thence west along the north line of Lot 17 a distance of 1075.3 feet to the east right-of-way line of Getz Road; thence north along the east right-of-way line Getz Road to the south line of Lot 14 in Pauey's Subdivision; thence east along the south line of said Lot 14 to the southeast corner of said Lot 14; thence north along the east line of said Lot 14; thence east on a line parallel to the south line of the Northeast $\frac{1}{4}$ Section 7, Township 30 North, Range 12 East a distance of 330 feet; thence north a distance of 40.5 feet; thence east along a line parallel to the south line of the Northeast $\frac{1}{4}$ of Section 7, Township 30 North, Range 12 East a distance of 757.2 feet to the west line of Westmoor Extended Addition; thence north along the west line of Westmoor Extended Addition to the northwest corner of Lot 100 in said Westmoor Extended Addition; thence east along the north line of said Lot 100 a distance of 80 feet to the northeast corner of said Lot 100; thence south along the east line of said Lot 100 a distance of 32 feet; thence east and parallel to the east-west center line of Section 7, Township 30 North, Range 12 East a distance of 358 feet to the east line of the Northeast $\frac{1}{4}$ of Section 7, Township 30 North, Range 12 East; thence north along the east line of said Northeast $\frac{1}{4}$ of Section 7 to the north right-of-way line of Illinois Road; thence east along the north line of Illinois Road to the west line of Lot 4 in Romy's Subdivision; thence north along the west line of said Lot #4 to the south right-of-way line of Penn-Central Railroad; thence southeast along the south right-of-way line of Penn-Central Railroad to the west right-of-way line of Lindenwood Avenue; thence north along the west right-of-way line of Lindenwood Avenue to the center line of the Norfolk and Western Railroad; thence southeasterly along the Norfolk and Western Railroad to its intersection with the Penn Central Railroad also being the center line of Osage Street; thence west and south along the Penn Central Railroad to the center line of Watkins Street; thence south along the center line of Watkins Street to its intersection with the center line of Greenwood Avenue and the north line of West Swinney Park; thence east along the north line of West Swinney Park to the center line of the St. Mary's River; thence north and east following the meandering of the St. Mary's River to the center line of the Norfolk and Western Railroad; thence west along the center line of the Norfolk and Western Railroad to the center line of St. Mary's Avenue; thence north along the center line of St. Mary's Avenue to the

center line of High Street; thence east along the center line of High Street to the center line of Sherman Street; thence north along the center line of Sherman Street to the center line of Fourth Street; thence east along the center line of Fourth Street to the center line of Wells Street; thence south along the center line of Wells Street to the center line of the St. Mary's River; thence northeasterly following the meandering of the St. Mary's River to the center line of Calhoun Street; thence south along the center line of Calhoun Street to the center line of Washington Blvd.; thence west along the center line of Washington Blvd., to the center line of Webster Street; thence south along the center line of Webster Street to the center line of Baker Street; thence west along the center line of Baker Street to the center line of McClellan Street; thence south along the center line of McClellan Street to the Penn Central Railroad; thence west along the Penn Central Railroad to the center line of Hoagland Avenue Extended; thence south along the center line of Hoagland Avenue to the center line of Dewald Street; thence west along the center line of Dewald Street to the center line of Broadway; thence south along the center line of Broadway to the center line of Grace Avenue; thence east along the center line of Grace Avenue to the center line of Indiana Avenue; thence south along the center line of Indiana Avenue to the center line of Home Avenue; thence west along the center line of Home Avenue to the center line of Beaver Avenue; thence north along the center line of Beaver Avenue to the center line of Broadway; thence south along the center line of Broadway to the center line of Park Avenue; thence west along the center line of Park Avenue to the center line of Thompson Avenue; thence south along the center line of Thompson Avenue to the center line of Wildwood Avenue; thence west along the center line of Wildwood Avenue to the center line of the St. Mary's River; thence following the meandering south of the St. Mary's River to the center line of Engle Road; thence west along the extended center line of Engle Road to the center line of Bluffton Road; thence south along the center line of Bluffton Road to the center line of Lower Huntington Road; thence east along the center line of Lower Huntington Road to the point of beginning.

(e) CITY COUNCILMANIC POLITICAL WARD NO. 5 ✓

City Councilmanic Political Ward No. 5 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at the center line of Anthony Blvd. and its intersection with the north line of the southeast $\frac{1}{4}$ of Section 36, Township 30 North, Range 12 East; thence south along the east line of the southeast $\frac{1}{4}$ of Section 36, Township 30 North, Range 12 East a distance of 330 feet to the point of beginning; thence west to the west right-of-way line of Anthony Blvd.; thence south along said west right-of-way line of Anthony Boulevard to its intersection with the North line of the south half of the southeast quarter of Section 36, Township 30 North, Range 12 East; thence west along the north line of the south half of the southeast quarter of Section 36, Township 30 North, Range 12 East, to its intersection with the west line of the east half of Section 36, Township 30 North, Range 12 East; thence north along the west line of the east half of Section 36, Township 30 North, Range 12 East, a distance of 920+ feet; thence west and parallel with the north line of the southwest $\frac{1}{4}$ of Section 36, Township 30 North, Range 13 East a distance of 1720+ feet; thence north on a line parallel to the north-south center line of said Section 36 a distance of 400 feet to the north line of the Southwest $\frac{1}{4}$ of said Section 36; thence east along the said north line to the center line of Hanna Street; thence north along the center line of Hanna Street 82.4 feet; thence east on a line parallel to the north line of the Southwest $\frac{1}{4}$ of said Section 36 a distance of 228 feet; thence north and parallel to the center line of Hanna Street a distance of 385 feet; thence west and parallel to the south line of the said northeast $\frac{1}{4}$ of Section 36 a distance of 228 feet to the center line of Hanna Street; thence north along the center line of Hanna Street to its intersection with the north line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 36; thence east on and along the north line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 36 to a point located 500 feet west of the east line of the northwest $\frac{1}{4}$ of Section 36; thence north on a line lying 500 feet west of and parallel to the east line of the Northwest $\frac{1}{4}$ of Section 36 to the south right-of-way line of Tillman Road; thence north along said west line to the south right-of-way line of the Tillman Road; thence in a westerly direction along the south right-of-way line of Tillman Road to the south right-of-way line of the Lower Huntington Road; thence in a westerly direction along the south right-of-way line of Lower Huntington Road to the west line of Lot #5 in Godfrey's Partition of Richardville Reserve; thence north to the center line of Lower Huntington Road; thence northwesterly along the

City Councilmanic Political Ward No. 5

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center line of Lower Huntington Road to the center line of Bluffton Road; thence north along the center line of Bluffton Road to the center line of Engle Road; thence east along the extended center line of Engle Road to the center line of the St. Mary's River; thence following the meandering north of the St. Mary's River to the center line of Wildwood Avenue Extended; thence east along the center line of Wildwood Avenue to the center line of Thompson Avenue; thence north along the center line of Thompson Avenue to the center line of Park Avenue; thence east along the center line of Park Avenue to the center line of Broadway; thence north along the center line of Broadway to the center line of Beaver Avenue; thence south along the center line of Beaver Avenue to the center line of Home Avenue; thence east along the center line of Home Avenue to the center line of Indiana Avenue; thence north along the center line of Indiana Avenue to the center line of Grace Avenue; thence west along the center line of Grace Avenue to the center line of Broadway; thence north along the center line of Broadway to the center line of Creighton Avenue; thence east along the center line of Creighton Avenue to the center line of Fairfield Avenue; thence south along the center line of Fairfield Avenue to the center line of Pontiac Street; thence east along the center line of Pontiac Street to the center line of Hoagland Avenue; thence north along the center line of Hoagland Avenue to the center line of Suttentfield Street; thence east along the center line of Suttentfield Street to the center line of Hanna Street; thence south along the center line of Hanna Street to the center line of Decatur Road; thence southeasterly along the center line of Decatur Road to the center line of Gable Road; thence east along the center line of Gable Road to Anthony Blvd.; thence south along Anthony Blvd., to the point of beginning.

(f) CITY COUNCILMANIC POLITICAL WARD NO. 6

City Councilmanic Political Ward No. 6 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at a point located on the center line of Pontiac Street said point lying 260.7 feet west of its intersection with the center line of Coliseum Blvd.; thence by a deflection left $90^{\circ} 50$ minutes a distance of 1324 feet to the north right-of-way line of the Belt Line Railroad; thence southeast along the north right-of-way line of the Belt Line Railroad to the east line of the west 1/2 of Section 17, Township 30 North, Range 13 East; thence south along said east line to the north right-of-way line of the Moeller Road; thence west along the north right-of-way line of the Moeller Road to the west right-of-way line of Bueter Drive; thence south along the west right-of-way line of Bueter Drive to the south right-of-way line of Rudisill Blvd. thence east along the south right-of-way line of Rudisill Blvd. to the east line of the west 1/2 of Section 17, Township 30 North, Range 13 East; thence south along said east line to the south right-of-way line of the Hoevel Road (McKinnie Avenue); thence west on the south right-of-way line of Hoevel Road (McKinnie Avenue) to the west right-of-way line of Bueter Avenue; thence south on the west right-of-way line of Bueter Avenue to the South right-of-way line of Pettit Avenue; thence west on the south line of Pettit Avenue to the east right-of-way line of Wayne Trace; thence southeast along the east right-of-way line of Wayne Trace to the east line of the west 1/2 of Section 20, Township 30 North, Range 13 East; thence south along said east line and said east line projected south to the center line of Trier Ditch; thence meandering in a southerly direction along the center line of Trier Ditch to the south line of the northwest 1/4 of Section 29, Township 30 North Range 13 East; thence east along south line to the southeast corner of the northwest 1/4 of Section 29, Township 30 North, Range 13 East; thence south along the east line of the southwest 1/4 of Section 29, Township 30 North, Range 13 East to the north right-of-way line of Tillman Road; thence west along the north right-of-way line of Tillman Road to the northeast corner of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence south along the east line of said northwest 1/4 a distance 2207 feet to a point lying 443 feet north of the north-south center line of Section 31, Township 30 North, Range 13 East; thence west 339.72 feet to a point; thence

north on a line parallel to the center line of said Section 31, a distance of 870.8 feet to the south line of the north 1/2 of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence west on said south line to the east right-of-way line of Old Decatur Road; thence southeasterly along the east right-of-way line of Old Decatur Road to the south line of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence west along the south line of the northwest quarter of Section 31, Township 30 North, Range 13 East, to its intersection with the east line of South Dellwood Park Addition, Section B; thence south to the southeast corner of South Dellwood Park Addition, Section B; thence west to the center line of Anthony Blvd.; thence north along the center line of Anthony Blvd. to the center line of Gable Road; thence west along the center line of Gable Road to the center line of Decatur Road; thence northwesterly along the center line of Decatur Road to the center line of Hanna Street; thence north along the center line of Hanna Street to the center line of Pontiac Street; thence east along the center line of Pontiac Street to the point of beginning.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.

Mark E. GiaQuinta
COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote;

Ayes: Six

Burns, Eisbart, GiaQuinta, V. Schmidt, Stier, Talarico

Nays: Three

Nuckols, D. Schmidt, Schomburg

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-32-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-12

SPECIAL ORDINANCE NO. S-298-81

AN ORDINANCE approving a contract for
Resurfacing and Restoring Improvement
Resolution 5919-81, between the City
of Fort Wayne, Indiana, and Wayne
Asphalt and Construction Company, Inc.
for resurfacing and restoring

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated November 18, 1981, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and Wayne Asphalt and Construction Company, Inc., for:

resurfacing and restoring pavement as designated on the following streets:

(1) Rockhill Street, from south curb line of Washington Blvd. to the north curb line of Jefferson St. (2) Lavina Street, from west property line of Union St. to east curb line of Van Buren St. (3) Union Street, from south curb line of Lavina St. to the south property line of Leykauf St. (4) Nelson Street, from south curb line of Berry Street to a point 70 feet south of Wilt Street. (5) Swinney Park Place, from west curb line of Garden Street to the south curb line of Jefferson Street,

under Board of Public Works Resurfacing and Restoring Pavement Resolution Number 5918-81, at a total cost of \$48,776.42, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-298--81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-13

SPECIAL ORDINANCE NO. S-299-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010116 & A-010117,
with Marblehead Lime Company and
Mississippi Lime Company for Pebble
Lime for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order Nos. A-010116 & A-010117, dated November 25, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Marblehead Lime Company and Mississippi Lime Company, for:

the 1982 requirements for pebble lime for
the Filtration Plant

at a cost of for Marblehead Lime Company for 1982, approximately \$5,500 tons \$65.45 per ton ordered for P.O. A010116 and for Mississippi Lime Company, approximately 5,500 tons \$51.85 per ton ordered for P.O. A-010117, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-299-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-14

SPECIAL ORDINANCE NO. S-300-81'

AN ORDINANCE approving City Utilities
Purchase Order No. A-010118 with Allied
Chemical Corporation for soda ash
for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010118, dated November 25, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Allied Chemical Corporation, for:

the 1982 Requirement for soda ash for the
Filtration Plant,

at a cost of approximately 700 tons \$92,00 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-300-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-15

SPECIAL ORDINANCE NO. S-301-81

AN ORDINANCE approving City Utilities
Purchase Order #A-010127 with Central
Supply Co., Inc for electric lamps
for the Street Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-01027, dated November 25, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and Central Supply Co., Inc. for:

the 1982 requirements for electrical
lamps for the Street Lighting Department

all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all

things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-301-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-16

SPECIAL ORDINANCE NO. S-302-81

AN ORDINANCE approving an Agreement between the City of Fort Wayne, Indiana, and E. Crone Knoy dba Tank Industry Consultants, for engineering services on Three (3) elevated tanks for the Water Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an Agreement dated November 18, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and Board of Public Works and E. Crone Knoy dba Tank Industry Consultants, for:

engineering services on three (3) elevated tanks for the Water Engineering Department, The engineer shall perform a detailed pre-bid inspection of the tanks (2 one million gallon elevated tanks), (1 five hundred thousand gallon elevated tank) sufficient to determine the condition of the tank interior, exterior, supporting structure, foundations, and accessories,

in the amount of \$2,700.00 after review of preliminary inspection \$500.00 after completion and submission of the final drawings and specifications, and then, \$310.00 per inspection which includes travel and expenses, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-302-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman

City Clerk

John Nuckols

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman

City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Mayor

BILL NO. S-81-12-17

SPECIAL ORDINANCE NO. S-303-81

AN ORDINANCE approving Change Order No.
1, for 1022-81, Butz Subdivision in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 1022-81, Butz Subdivision, to T-G Excavating, Inc., in connection with the Board of Public Works, for:

to complete the water main improvement resolution 1022-81. The necessity for change is to equate the contract amount to correct amounts for work actually performed,

in the amount of \$718.05, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns

Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-303-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-18

SPECIAL ORDINANCE NO. S-304-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010123 with
Chemtech Industries, Inc., for
sodium silicofluoride for the
Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A010123, dated November 25, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and Chemtech Industries, Inc., for:

the 1982 requirements for sodium silicofluoride
for the Filtration Plant,

at a cost of approximately 70 tons 370.00 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-304-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-19

SPECIAL ORDINANCE NO. S-305-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010142 with
Ulrich Chemical, Inc. for liquid
chlorine for the WPC Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010142, dated November 25, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and Ulrich Chemical, Inc., for:

the 1982 liquid chlorine
requirements of the WPC Plant,

all as more particularly set forth in said Purchase Order, which is on file in the office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-305-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-20

SPECIAL ORDINANCE NO. S-306-81

AN ORDINANCE approving City Utilities
purchase Order No. A-010125, with
liquid Carbonic Corporation for
liquid carbon dioxide for the
Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A010125, dated November 25, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Liquid Carbonic Corporation, for:

for the 1982 requirements for
liquid carbon dioxide for the
Filtration Plant,

at a cost of approximately 820 tons \$40.00 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman '

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmdt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-306-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-21

SPECIAL ORDINANCE NO. S-307-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010122, with
Ulrich Chemical, Inc., for anhydrous
ammonia for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010122, dated November 25, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and Ulrich Chemical, Inc., for:

the 1982 requirements for anhydrous ammonia for the Filtration Plant,

at a cost of approximately 8 tons \$23,50 per 100 weight, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-307-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-22

SPECIAL ORDINANCE NO. S-308-81

AN ORDINANCE aproving City Utilities Purchase Order No. A-010120 with City Service Company for Ferric-Sulfate for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A010120, dated November 25, 1981, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and City Service Company, for:

the 1982 requirement for Ferric-Sulfate for the Filtration Plant,

at a cost of aproximately 400 tons \$118.00 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and madea part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-308-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-23

SPECIAL ORDINANCE NO. S-309-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010121, with
Herbert-Verkamp-Calvert Chemical Company
for sodium Chlorite for the Filtration
Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A010121, dated November 25, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Herbert-Verkamp-Calvert Chemical Company, for:

the 1982 requirements for sodium
chlorite for the Filtration Plan

at a cost of approximately 10 tons \$145.00 per 100 weight, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-309-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-24

SPECIAL ORDINANCE NO. S-310-81

AN ORDINANCE approving City Utilities
Purchase Order No. A-010119, with
Husky Industries, Inc., for powdered
activated carbon for the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010119, dated November 25, 1981, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Husky Industries, Inc., for:

the 9182 requirements for powdered
activated carbon for the Filtration
Plant,

at a cost of approximately 350 tons \$460.00 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-310-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-42

RESOLUTION NO. R-104-81

A RESOLUTION expressing thanks to
Vivian G. Schmidt for her services
to the City of Fort Wayne, State
of Indiana and the United States

Vivian G. Schmidt was elected to the office of Councilwoman-At-Large three (3) times. She commenced her public service as a Councilwoman-At-Large in the City of Fort Wayne, Indiana in January of 1972 and has served continuously as such since said date. She has been Chairwoman of many important committees, both standing and ADHOC of the Common Council of the City of Fort Wayne, Indiana. Most notably she has served as Chairwoman of the Common Council during the year 1980. She has been Common Council's Representative on the City Plan Commission, The Metropolitan Human Relations Commission and on other commissions and boards of the City of Fort Wayne, Indiana.

She has been honored by the State of Indiana, by the United States Government for her position and leadership. She has done a truly outstanding service to the Citizens of Fort Wayne, Indiana. Tonight the regular session of the Common Council of the City of Fort Wayne of December 22, 1981, marks the last time she will answer the role call at a regular meeting of the Common Council. She truly deserves all of the honors and accolades that have been given to her because she not only merited these honors, but she has won the admiration of her fellow councilman. The best wishes of the Common Council of the City of Fort Wayne, Indiana go to her for her continued good health and happiness.

BE IT THEREFORE RESOLVED that Vivian G. Schmidt is hereby declared to be a honorary citizen of the City of Fort Wayne, Indiana.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-104-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-12-27

GENERAL ORDINANCE NO. G-33-81

AN ORDINANCE requiring Common Council approval prior to any salary increases and further restricting salary increases

Section 1. The salary for any position and the salary for any employee in that position employed by the City of Fort Wayne, Indiana, and the salary for any position and the salary for any employee in that position who is a salaried non bargaining unit employee of City Utilities of Fort Wayne, Indiana shall not be increased during 1982 without Common Council of the City of Fort Wayne, Indiana, approval in ordinance form, prior to said salary increase.

Section 2. No increases in salaries being paid as of December 1, 1981, shall occur for any City of Fort Wayne, Indiana employee or salaried non bargaining unit employee of the City Utilities of the City of Fort Wayne, Indiana until the Common Council of the City of Fort Wayne, Indiana has set the specific salary for each title not now so specified or listed in the 1982 Salary Ordinances, S17881 and S-179-81, of the City of Fort Wayne, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Donald J. Schmidt
Councilman

Read the third time in full and on motion by D. Schmidt, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-22-81

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G=33-81 on the 22nd day of December, 1981

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1981, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of December, 1981, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-01-01

RESOLUTION NO. R-01-82

A RESOLUTION authorizing the City of Fort Wayne to continue financing on an interim basis the purchase of Puritan Utilities, Inc., Diversified Utilities, Inc. and Maplewood Park Utilities, Inc. (Inbalco)

WHEREAS, an Agreement for the Purchase of Assets (Purchase) has been executed between

the City of Fort Wayne and Puritan Utilities, Inc., Diversified Utilities, Inc. and Maplewood Park Utilities, Inc. (more commonly known as Inbalco) on the 29th day of April, 1981; and

WHEREAS, the City of Fort Wayne proposes to sell 1982 Revenue Bonds (Utility Project) for capital expenditures for water and sewer improvements for the permanent financing of the Purchase when bond market conditions improve and statutory procedures are completed; and

WHEREAS, the City of Fort Wayne did borrow the sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) on July 27, 1981 from the Lincoln National Bank and Trust Company of Fort Wayne pursuant to a promissory note and security agreement of said date for interim financing of the Purchase; and

WHEREAS, said note was paid on December 29, 1981 to the Lincoln National Bank and Trust Company of Fort Wayne; and

WHEREAS, present bond market conditions have inhibited the reasonably prompt sale of the proposed City of Fort Wayne Revenue Bonds (Utility Project) above described in 1981 and said bonds are proposed to be issued and sold in 1982; and

WHEREAS, the City of Fort Wayne needs to borrow the sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) for a period of ninety (90) days and the Lincoln National Bank and Trust Company of Fort Wayne is willing to loan to the City of Fort Wayne Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) at a rate of interest of sixty percent (60%) of the prime commercial lending rate of said bond as such rate changes from date to date for a period of ninety (90) days, said loan to be evidenced by a promissory note and security agreement, substantially final forms of which are attached hereto,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. The City of Fort Wayne is authorized to borrow the sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) from the Lincoln National Bank and Trust Company of Fort Wayne for a period of ninety (90) days at a rate of interest of sixty percent (60%) of the prime commercial lending rate of said bank as such rate changes from date to date for a period of ninety (90) days, said loan to be evidenced by a promissory note and security agreement, substantially final forms of which are attached hereto.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne Indiana:

SECTION 1. The City of Fort Wayne is authorized to borrow the sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) from the Lincoln National Bank and Trust Company of Fort Wayne for a period of ninety (90) days at a rate of interest of sixty percent (60%) of the prime commercial lending rate of said bank pursuant to the substantially final forms of promissory note and security agreement attached hereto, with such changes, not altering the form or substance, as may be determined by the Mayor, and said note, security agreement, and other documents deemed necessary to conclude the transaction are hereby authorized to be executed by the Mayor of the City of Fort Wayne and Clerk of the City of Fort Wayne.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Vacant - One

Date: 1-5-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-01-82 on the 5th day of January, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 6th day of January, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 6th day of January, 1982, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr. - Mayor

BILL NO. R-81-12-33

RESOLUTION NO. R-02-82

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$7,600,000 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, AWB REALTY CORP.
TO PROCEED WITH THE ACQUISITION, CONSTRUCTION
AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, AWB Realty Corp. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an acquisition of land and construction of office building for lease by Anthony Wayne Bank and for lease to unrelated tenants including cost of issue, said project to be located at the northwest corner of Main and Barr Streets, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 70 to 75 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens, and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$7,600,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriated in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-02-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-34

RESOLUTION NO. R- 03-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$600,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, RYDER TRUCK LINES, INC. TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Ryder Truck Lines, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility is an existing motor freight terminal consisting of a dock and one-story attached office building, located on a 5.8 acre site and including a 10,000 gallon diesel fuel tank, located in Adams Township, Allen County, Indiana, outside the city limits of Fort Wayne, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 5 job opportunities immediately and 15 to 20 job opportunities within three years, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$600,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, STier, Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-03-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-08-22

ZONING MAP ORDINANCE NO. Z-02-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. I-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an ^{R-3} District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 325, 326, 327, 328, 329
and 330 Waynedale Gardens 2nd Extended
Addition,

and the symbols of the City of Fort Wayne Zoning Map No. 123, referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-02-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-12-11

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-18

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a R-2 District under the terms of Chapter 33, the Code of the City of Fort Wayne, Indiana of 1974;

Lot #13, except the west 150 feet
thereof in ARcher Heirs Addition

and the symbols of the City of Fort Wayne Zoning Map No. L-18, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2: That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-01-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-38

SPECIAL ORDINANCE NO. S-01-82

AN ORDINANCE approving a contract for Water
Contract #81-XP-3 between the City
of Fort Wayne, Indiana and Lengacher Construction
Co., Inc., for construction of water main in the
Washington Center Road area

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, December 9, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Lengacher Construction Co., Inc., for:

construction of a 16" diameter Water Main including all necessary fittings on Washington Center Road from an existing 24" Water Main 1075 \pm feet West of S.R. 3 westward 2565 \pm feet to an existing 16" Water Main,

under Board of Public Works Water Contract #81-XP-3, at a total cost of \$59,930.00 all as more particularly set for in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-01-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-39

SPECIAL ORDINANCE NO. S-02-82

AN ORDINANCE approving an Agreement with
James Associates Architects, for construction
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated December 2, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and James Associates Architects, for:

SANITARY SEWER

Golden Years Homestad, Inc., Retirement Village, Phase 1B, The developer desires to construct a sanitary sewer by tying into an existing sanitary manhole which is located 234 feet east of a manhole in Kennedy Drive, and then progressing north with an 8 inch sewer to a new manhole approximately 176 feet north of the existing sanitary manhole,

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-02-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-40

SPECIAL ORDINANCE NO. S-03-82

AN ORDINANCE approving a contract for
Sewer Improvement Resolution No. 353-81,
between the City of Fort Wayne, Indiana and
Scheidleman Excavating, Inc. for
installation of Idlewood Drive Sanitary
Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 2, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Scheidleman Excavating, Inc., Contractor, for:

construction of a sanitary sewer in the Idlewood Drive area beginning at a proposed sanitary sewer manhole over an existing 8" sanitary sewer located 17 + feet east of the North west corner of the south half of Lot 13 of Wayne Haven Addition as recorded by Plat Book 6 page 61, thence south parallel with the west line of said Lot 13, 224 + lineal feet, thence south parallel with the west line of said Lot 13, 244 + lineal feet, thence east along a line 16 + feet south of and parallel to Idlewood Drive 193 + lineal feet to proposed Manhole #3. Lateral A - Beginning at the above described Manhole #3, thence north along a line 152.5 + feet west of and parallel with the centerline of Sheridan Road 165 + lineal feet, terminating at a proposed cleanout. Lateral B - Beginning at the above described Manhole #3, thence south along a line 152.5 + feet west of and parallel with the centerline of Sheridan Road 135 + lineal feet, terminating at a proposed cleanout.

under Board of Public Works Sewer Improvement Resolution No. 353-81, at a total cost of \$16,012.20, all as more particularly set forth in said contract with is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 1-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-03-82 on the 12th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-11

SPECIAL ORDINANCE NO. S-04-82

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BOND (BENTZ
PROJECT)" AND APPROVING OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, The Fort Wayne Economic Development Commission has rendered its Project Report for the Bentz Project regarding the financing of proposed economic development facilities for Carl I. Bentz and Charles S. Bentz for lease to C.I.B., Inc. d/b/a Bentz Mobile Products, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 21, 1982, and also adopted a resolution on January 21, 1982, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for Carl I. Bentz and Charles S. Bentz complies with the purposes and provisions of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
 - b. The financing will stimulate the local economy;
 - c. The financing will result in creation or retention of a significant number of jobs,
 - d. The project being financed would not be undertaken without tax exempt financing;
- and

WHEREAS, the Allen County Council has consented to the financing of the project; and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement and Trust Indenture, Note, and Bond; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT.

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement and Bond Purchase Agreement and Trust Indenture approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of revenue bond, the loan of the proceeds of the revenue bond to Carl I. Bentz and Charles S. Bentz for the acquisition and construction of such facilities and the equipping thereof, and the leasing thereof to C.I. B., Inc., the payment of the revenue bond by the note payments of Carl I. Bentz and Charles S. Bentz under the Loan Agreement, Mortgage and Security Agreement, and a Lease, and the securing of said Bond by the mortgaging of the land and building and granting of a security interest in the equipment included in the project to the City of Fort Wayne, under the Land Agreement, Mortgage and Security Agreement, which Loan Agreement, Mortgage and Security Agreement is assigned, transferred and pledged to the Bondholder pursuant to the Bond Purchase Agreement and Trust Indenture, complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs; and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement and Trust Indenture, Note, and Bond, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 4. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bond (Bentz Project), in the total principal amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) and maturing twelve (12) years from the date of issuance, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Security Agreement, and Bond Purchase Agreement and Trust Indenture incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the note payments made by Carl I. Bentz and Charles S. Bentz and/or by the lease payments made by C.I.B., Inc. under the Loan Agreement, Mortgage and Security Agreement, Note, and Lease or as otherwise provided in the above described documents. The Bond is issued in a fully registered form in the principal sum of \$350,000.00, may be assigned and transferred pursuant to Section 15 of the Bond Purchase Agreement and Trust Indenture, payments of principal and interest are payable in lawful money of the United States of America in immediately available funds to the bondholder; the bond shall be redeemed as provided in Section 4 of the Bond Purchase Agreement and Trust Indenture. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 5. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum on the Bond and not to exceed 75% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne at its principal office, as such rate changes from date to date (except in the event of a Determination of Taxability, as set forth in the Loan Agreement, Mortgage and Security Agreement and Bond Purchase Agreement and Trust Indenture), and at a price not less than 100% of the principal amount thereof.

SECTION 6. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk is authorized to arrange for delivery of such Bond to the Trustee named in the Trust Indenture, payment for the Bond will be made to the Trustee named in the Trust Indenture, and after such payment the Bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the Bond to the Trustee within ninety days of the adoption of this Ordinance. The Bond shall be dated as of the date of delivery.

SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the Bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond (Bentz Project), and after the issuance of said Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon unpaid.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, STier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-04-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9: 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-01-16

RESOLUTION NO. R-04-82

A RESOLUTION approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the Calendar year 1982

WHEREAS, the Board of Managers of the Fort Wayne-Allen County Convention and Tourism Authority has prepared and submitted to this body a proposed budget for the calendar year 1982, which budget this body finds to be proper and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1982, as submitted to this Council on January 26, 1982, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-80-03-10

ZONING MAP ORDINANCE NO. Z-03-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. 0-19

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974, and the symbols of the City of Fort Wayne Zoning Map No. 019, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of the East half of the Southeast quarter of Section 24, Township 30 North, Range 12 East, Allen County, Indiana, more particular described as follows.

Beginning on the South line of said quarter Section at a point situated 928.5 feet West of the Southeast corner of said Section, said point also being the Southwest corner of Squire's 2nd Addition as recorded in Plat Book 18, page 6 of the Allen County Recorder's Office; thence continuing West along the South line of said quarter section, a distance of 375.0 feet to the Southwest corner of the East half of the Southeast quarter of said Section, said point also being the Southeast corner of Sunny Acres Addition as recorded in Plat Book 8, page 86 in said Allen County Recorder's Office; thence North along the West line of the East half of said Southeast quarter Section, and along the East line of Sunny Acres Addition, a distance of 587.3 feet; thence East 375.0 feet to the Northwest corner of Lot #14 in said Squire's 2nd Addition; thence South, along the West line of said Squire's 2nd Addition, a distance of 590.3 feet to point of beginning. Containing 5.06 Acres of land, an being Subject to Paulding Road right-of-way line, an all easements of record.

Also:

Part of the East half of the Southeast quarter of Section 24, Township 30 North, Range 12 East, Allen County, Indiana, more particular described as follows:

Beginning at a point 597.8 feet North of the Southeast corner of Section 24, Township 30 North, Range 12 East, said point being the Northeast corner of Squire's 2nd Addition as recorded in Plat Book 18, page 6 of the Allen County Recorder's Office, thence West along the North line of said Squire's 2nd Addition, a distance of 821.0 feet, said point being 140.0 feet West of the West line of Winter Street as platted in the above Squire's 2nd Addition to point of beginning for the parcel of land herein described; thence North, and parallel to the West line of Winter Street, a distance of 84.0 feet; thence West 482.5 geet to West line of East half of the Southeast quarter of said Section, and the East line of Sunny Acres Addition as recorded in Plat Book 8, Page 86 of the Allen County Recorder's Office; thence South along the aforesaid line, a distance of 84.0 feet to a point 587.3 feet North of the South line of the East half of said Southeast quarter Section; thence East 482.5 feet to point of beginning. Containing 0.93 Acre of land.

SECTION 2. That this Ordinance shall be in full force and effect fromand after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Burns, Eisbart, Schmidt, Schomburg, Talarico
Nays: Three
Bradbury, GiaQuinta, Stier
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-03-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-35

ZONING MAP ORDINANCE NO. Z-04-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a B-3-B- General Business District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 713, 716 and the West Half of Lots
717, 718, 719 and 720 in Samuel Hanna's
Addition Plat B Western Division.

and the symbols of the City of Fort Wayne Zoning Map No. L-2 referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2: That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomubrg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-04-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-11-31

GENERAL ORDINANCE NO. G-01-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a Utility Easement in
Hoevelwood Court Addition, Section "B"

WHEREAS, (1) a petition to vacate a utility easement in Hoevelwood Addition, Section "B" (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein, to vacate:

Certain easements and side lot line restrictions
within the City of Fort Wayne which are described
as follows:

Both 7 and 14 foot easements along the north lines of Lots 56 through 62, and 7 foot on either side of the common lines of Lots 48 and 49 (east) and 56 (west) and a 7 foot easement along the north side line of Lot 49 and 9 foot side lot line restrictions all as shown on the face of the plat and number 3 of Protective Restrictions of Hoevelwood Court Addition, Section "B" as recorded in Plat Record 25 at pages 167-168 of the records in the office of the Recorder of Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 1-26-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-01-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-81-11-32

GENERAL ORDINANCE NO. G-02-82

AN ORDINANCE amending the Thoroughfare
 Plan of the City Comprehensive ("Master") Plan
 by vacating a portion of Holly Avenue

WHEREAS, (1) a petition to vacate a portion of Holly Avenue (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the petition filed herein to vacate:

Holly Avenue lying between Reynolds Street and Molitor
 Street more particularly described as follows:

Beginning at a point located at the southeast corner of Lot #31 lying in Oldsdale Addition to the City of Fort Wayne said point also lying on the north right-of-way line of Reynolds Street; thence north along the East line of said Lot #31, also being the west right-of-way line of Holly Avenue, a distance of 162.6 feet to the northeast corner of said Lot #31 also being the south right-of-way line of Molitor Street; thence east along the south right-of-way line of Molitor Street a distance of 50 feet to the east right-of-way line of Holly Avenue also being the northwest corner of Lot #32 lying in Oldsdale Addition; thence south along the west line of said Lot #32 also being the east right-of-way line of Holly Avenue a distance of 162.6 feet to the southwest corner of said Lot #32 also being the north right-of-way line of Reynolds Street; thence west along the north right-of-way line of Reynolds Street a distance of 50 feet to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with

said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-02-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-33

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. R-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots 1, 2, 3, & 4, in Bellair Addition

and the symbols of the City of Fort Wayne Zoning Map No. R-18, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2: That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by
and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

BILL NO. S-82-01-07

SPECIAL ORDINANCE NO. S-05-82

AN ORDINANCE approving Change Order No. 1
for 323-80, Spy Run Interconnect, Federal
Grant No. C-180599-07 in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 32380, Spy Run Interconnect, Federal Grant
No. C-180599-07 to Waynesfield Construction, Inc. in connection with the Board of Public Works, for:

items are compensation for additional requirements placed on the contractor in association
with the river crossing after the time of bid and additional items to protect the river
level where disturbed by construction thus assuring compliance with our DHR permit
to do work in the river,

in the amount of \$31,424.20, as set out in the specifications, which are on file in the Office of the Board
of Public Works and are by reference incorporated herein and made apart hereof, be and the same is
in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage,
approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-05-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of
January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-08

SPECIAL ORDINANCE NO. S-06-82

AN ORDINANCE approving Change Order No. 3
for 310-80, Phase III, St. Joe Interconnect
Interceptor, Federal Grant No. C-180599-06
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Change Order No. 3 for 31080, Phase III St. Joe Interconnect Interceptor, Federal Grant No. C-180599-06 to Joe R. Norman Contractors, Inc., in connection with the Board of Public Works, for:

the exchange of the use of poured in place concrete manholes structures with precast "T" manholes and radius pipe. This change enhances the hydraulics of this sewer at no additional costs in the project. This Change Order was requested by the Corps of Engineers even though no additional monies are involved,

in the amount of -0-, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-26-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-06-82 on the 26th day of January, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-09

SPECIAL ORDINANCE NO. S-07-82

AN ORDINANCE approving a contract for
Street Lighting Resolution 156-81, between
the City of Fort Wayne, Indiana and T & F
Construction Corporation, Contractor to
light West Central Area Phase B with an
underground Ornamental Lighting System

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 30, 1981, between the City of Fort

Wayne, Indiana by and through its Mayor and the Board of Public Works, and T & F Construction Corporation, Contractor, for:

the lighting of West Central Area Phase B
with an underground ornamental lighting
system,

under Board of Public Works Street Lighting Resolution 156-81, at a total cost of \$26,609.95, all as more particularly set forth in said agreement which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-07-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-10

SPECIAL ORDINANCE NO. S-08-82

AN ORDINANCE approving an Agreement with
Northwest Washington Group developer, for
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement dated December 23, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Northwest Washington Group Developer, for:

SANITARY SEWER

Beginning at a proposed manhole located on the existing Spy Run Interceptor on the north side of Washington Center Road and on the southwest corner of lot number 9 in Washington Center Acres; Thence easterly along the north side of Washington Center Road, a distance of 2,025 ± lineal feet terminating at a proposed manhole located at the southwest corner of a .97 ± acre tract now or formerly owned by Lassus,

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 1-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-08-82 on the 26th day of January, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of February, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-11-29

SPECIAL ORDINANCE NO. S-09-82

AN ORDINANCE approving an Intergovernmental
Cooperation Data Processing Agreement with
Allen County, Indiana

WHEREAS, the City is desirous of entering into a City-County Intergovernmental Cooperation Data Processing Agreement with Allen County, Indiana:

WHEREAS, said agreement is drafted and in conformance with I.C. 36-1-7-12.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed City-County Intergovernmental Cooperation Data Processing Agreement by and between the City of Fort Wayne and Allen County, Indiana by and through its Board of Commissioners, is hereby in all things ratified, confirmed and approved.

SECTION 2. Said agreement is by reference incorporated herein and made a part hereof.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eiasbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-09-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-81-12-29

SPECIAL ORDINANCE NO. S-10-82

AN ORDINANCE specifying salaries for
incumbents in Civil City and City Utilities
non-bargaining units positions for the year 1982

BE IT ORDAIND BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. In conformity to Salary Ordinances S-178-81 and S-179-81, the Mayor has recommended specific salaries for all employees not members of a recognized bargaining unit in Civil City and City Utilities departments subject to the aforementioned Ordinances. These recommendations are based upon the application of a general four percent (4%) increase with modifications for those employees whose salaries would exceed the maximums if given such an increase and several special equity adjustments in excess of the general four percent (4%).

SECTION 2. There will be no mid-year raises and adjustments, and no salary will be increased without specific approval of Council. This is not, however, a bar to normal application of official salary policy in starting rates for newly-hired employees nor in the granting of normal increases associated with promotions from one legitimate position to another during 1982.

SECTION 3. The incumbents listed on the attached Exhibit A, made a part hereof, shall receive those salaries for 1982, as shown on said Exhibit A.

SECTION 4. The payments to be made hereunder are subject to all appropriate budgetary provisions.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 bradbury, Burns, Eisbart, GiaQuinta, Stier, Talarico
 Nays: Two
 Schmidt
 Schomburg
 Absent: One
 Nuckols

Date: 2-9-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-10-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-01-13

SPECIAL ORDINANCE NO. S-11-82

AN ORDINANCE approving a contract between the City of Fort Wayne and GTE Data Services, Inc., for fire protection to premises outside the City

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract, dated January 1, 1982, between the City of Fort Wayne, by and through its Mayor and Board of Public Safety, and GTE Data Services, Inc., and the furnishing of fire protection by the Fort Wayne Fire Department to premises of GTE Data Services, Inc., outside the city limits, described as follows, to wit:

Lots Number 1 and 2 in Oakbrook Office Park, a tract of real estate located in the northeast quarter of the southeast quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana at the southwest corner of U.S. Highway 27 and Ludwig Road, near but outside the corporate limits of the City of Fort Wayne, Indiana,

at a costs to GTE Data Services, Inc., of \$4,002.05, all as more particularly set forth in said contract, attached hereto, and a s part hereof and which is on file in the Office of the Board of Public Safety, is hereby in all things ratified, confirmed and approved.

SECTION 2. The proceeds of such contract received by the City shall be deposited in the City "Fire Fighting Fund".

SECTION 3. This Ordinance shall be effective upon its passage and approval by the Mayor.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 2-9-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-11-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-01-14

SPECIAL ORDINANCE NO. S-12-82

AN ORDINANCE approving Civil City
 Purchase Order No. A-14559 with
 International Salt Company for
 10,000 tons Type 1 Bulk Rock Salt
 for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-14559, dated January 8, 1982, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and International Salt Company for the purchase of 10,000 tons Type 1 Bulk Rock Salt for the Street Department, at a cost of approximately 23.95 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 2-9-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-12-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-15

SPECIAL ORDINANCE NO. S-13-82

AN ORDINANCE authorizing payment of
\$20,000.00 by the City of Fort Wayne
Indiana, to the Chamber of Commerce
Economic Development Group

WHEREAS, the Chamber of Commerce Economic Development Group of the City of Fort Wayne, Indiana, hereinafter referred to as EDG has contracted with the Fantus Company for the purposes of obtaining target informational data and other data and consulting assistance with regards to economic development.

WHEREAS, the City has been requested to pay \$20,000.00 out of a total project cost of not to exceed \$58,000.00, by the EDG;

WHEREAS, it is in the best interest of the City to help defray the cost as aforescribed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The payment up to \$20,000.00 is hereby authorized to the EDG for purposes of assisting the EDG in defraying the monies payable to the Fantus Company for the providing of obtaining target informational data and other data and consulting assistance with regards to economic development as more specifically described in the attached Exhibit A, made a part hereof.

SECTION 2. That the payment herein authorized shall be paid by the City at such time or times as deemed appropriate by the Controller and the Director of the Department of Economic Development.

SECTION 3. The payment herein authorized made shall subject to all appropriate budgetary provisions.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Burns
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-13-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-39

SPECIAL ORDINANCE NO. S-14-82

AN ORDINANCE approving Civil City Purchase
Order No. A-14528 with Allen County Motors
and Purchase Order No. A-14529 with W. A. Jones
and Sons for vehicles for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders, numbered and listed below, dated January 6, 1981, between the City Purchasing Director and the Board of Public Works and the following companies for the purchase of vehicles for the Street Department in the amounts as hereafter set out, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>NUMBER</u>	<u>VEHICLE</u>	<u>COMPANY</u>	<u>AMOUNT</u>
A-14528	1982 Ford Model 350 Chassis Cab	Allen County Motors, Inc.	\$11,049.00
A-14529	One each: Hoist, Dump Body, and Snow Plow	W.A. Jones and sons	\$ 3,409.00

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-14-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-19

SPECIAL ORDINANCE NO. S-15-82

AN ORDINANCE approving Change Order No. 2
for 314-80, Phase I, Hollywood Gardens, et
al, Federal Grant No. C-180599-06 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 31480, Phase I, Hollywood Gardens et al, Federal Grant No. C180599-06 to Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due
to contract specifications that required the Contractor to pay for each and every sewer
tap permit fee for which he installed a building sewer. However, since this fee has been
determined not to be federally eligible and the prepayment of such does eliminate our
only system for monitoring those properties which become connected to our sanitary sewer
system for sewage billing, it is in our best interest to have this fee paid for by the individual
property owners. We are thereby able to inspect the connection and notify the billing
department to commence it's sewage billing for the property,

in the amount of \$9,090.00 to be deducted from the contract price as set out in the specifications which are
on file in the Office of the Board of Public Works and are by reference incorporated herein and made apart
hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-15-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-20

SPECIAL ORDINANCE NO. S-16-82

AN ORDINANCE approving Change Order No. 2,
for 318-80, Campus Court Pump Station,
Federal Grant No. C-180599-06 in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 318-80, Campus Court Pump Station, Federal Grant No. C-180599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence its sewage billing for the property,

in the amount of \$35.00 to be deducted from the Contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: one
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February,

1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-21

SPECIAL ORDINANCE NO. S-17-82

AN ORDINANCE approving Change Order No. 2
for 316-80, Cinderella Village, Federal
Grant No. C-180599-06, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 316-80, Cinderella Village, Federal Grant No. C-180599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence its sewage billing for the property,

in the amount of \$3,690.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. S-82-01-22

SPECIAL ORDINANCE NO. S-18-82

AN ORDINANCE approving Change Order No. 2,
for 315-80, Aldale Acres & Daus, Federal
Grant No. C-180599-06, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 31580, Aldale Acres & Dau's, Federal Grant No. C-180599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it sewage billing for the property,

in the amount of \$4,275.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONe
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-18-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-23

SPECIAL ORDINANCE NO. S-19-82

AN ORDINANCE approving Change Order No. 4,
for 313-80, Limberlost, Mardego Hills,
Federal Grant No. C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, for 313-80, Limberlost, Mardego Hills, Federal Grant No. C-180599-06, to Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

sa reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$6,030.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-19-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-24

SPECIAL ORDINANCE NO. S-20-82

AN ORDINANCE approving Change Order No. 1
for 328-80, Neuhaus, Federal Grant No.
C-180599-07, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 32880, Neuhaus, Federal Grant No. C18059907, to Ground Services, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$4,545.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-25

SPECIAL ORDINANCE NO. S-21-82

AN ORDINANCE approving Change Order No. 2,
for 311-80, Ranchwood, Federal Grant No.
C-180599-06, in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 31180, Ranchwood, Federal Grant No. C180599-06, to L.W. Dailey, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$7,140.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Bosrd of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-21-82 on the 9th day of February, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-26

SPECIAL ORDINANCE NO. S-22-82

AN ORDINANCE approving Change Order No. 4,
for 310-80, St. Joe Interceptor Interconnect,
Phase IV, Federal Grant No. C-180599-06 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Channe Order No. 4, for 31080, St. Joe Interceptor Interconnect, Phase IV, Federal Grant No. C180599-06, to Rocco Ferrara & Co., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee

has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$900.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-22-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-27

SPECIAL ORDINANCE NO. S-23-82

AN ORDINANCE approving Change Order No. 1
for 329-80, Neuhaus Interconnect Interceptor,
Phase III, Federal Grant No. C-180599-07,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 32980, Neuhaus Interconnect Interceptor, Phase III, Federal Grant No. C-180599-07, to Scheidleman Excavating, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department of commencement of its sewage billing for the property,

in the amount of \$2,535.60 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-23-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-28

SPECIAL ORDINANCE NO. S-24-82

AN ORDINANCE approving Change Order No. 1
for 325-80, Elkridge Addition, Federal Grant
No. C-180599-07, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 325-80, Elkridge Addition, Federal Grant No. C-180599-07, to Butler & Butler in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property.

in the amount of \$1,850.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-24-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-29

SPECIAL ORDINANCE NO. S-25-82

AN ORDINANCE approving Change Order No. 1
for 324-80, Highview Park, Federal Grant
No. C-180599-07, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 324-80, Highview Park, Federal Grant No. C-180599-07, to Bercot, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$1,950.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-25-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-30

SPECIAL ORDINANCE NO. S-26-82

AN ORDINANCE approving Change Order No. 3
for 350-80, Elmcrest Addition, Federal Grant
No. C-180599-09, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, for 35080, Elmcrest Addition, Federal Grant No. C-180599-09, to Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$1,225.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-26-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-31

SPECIAL ORDINANCE NO. S-27-82

AN ORDINANCE approving Change Order No. 2
for 348-80, Ansley-Largo, Federal Grant No.
C-180599-09, in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for 34880, Ansley-Largo, Federal Grant No. C-180599-09, to Winzeler Excavating & Trucking Co., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$4,375.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-27-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-32

SPECIAL ORDINANCE NO. S-28-82

AN ORDINANCE approving Change Order No. 2
for 347-80, Poplar Ridge, Federal Grant No.
C-180599-09, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 347-80, Poplar Ridge Federal Grant No. C-180599-09 to Richard Ness Excavating & Trucking Co., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specification that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$1,785.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-28-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-33

SPECIAL ORDINANCE NO. S-29-82

AN ORDINANCE approving Change Order No. 2,
for 323-80, Spy Run Interconnect Interceptor,
Federal Grant No. C-180599-07, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 323-80, Spy Run Interconnect Interceptor, Federal Grant No. C-180599-07, to Waynesfield Construction, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$9,572.45 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-29-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-34

SPECIAL ORDINANCE NO. S-30-82

AN ORDINANCE approving Change Order No. 1, for 333-80, Cassel Heights Sanitary Sewer, Federal Grant No. C-180599-08, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, for 33380, Cassel Heights Sanitary Sewer, Federal Grant No. C-180599-08, to John Dehner, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$480.00 to be decreased from the Contract price, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-30-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-35

SPECIAL ORDINANCE NO. S-31-82

AN ORDINANCE approving Change Order No. 1
for 335-80, Anthony Wayne Pump Station,
Federal Grant No. C-180599-08, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 335-80, Anthony Wayne Pump Station, Federal Grant No. C-18059908, to John Dehner, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract spwxidixarions that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$2,170.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made apart hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-31-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-36

SPECIAL ORDINANCE NO. S-32-82

AN ORDINANCE approving Change order
No. 2, for 338-80, Trier Ditch-Ridgeview,
Federal Grant No. C-180599-08 in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, for 33880, Trier Ditch-Ridgeview, Federal Grant No. C180599-08, to John Hartman Construction Company, Inc., in connection with the Board of Public Works for:

a reduction in the contract price due to contract specifications that required the Contractor to pay for each and every sewer tap permit fee for which he installed a building sewer. However, since this fee has been determined not to be federally eligible and the prepayment of such does eliminate our only system for monitoring those properties which become connected to our sanitary sewer system for sewage billing, it is in our best interest to have this fee paid for by the individual property owners. We are thereby able to inspect the connection and notify the billing department to commence it's sewage billing for the property,

in the amount of \$3,220.00 to be deducted from the contract price as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-32- 82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-37

SPECIAL ORDINANCE NO. S-33-82

AN ORDINANCE approving an Agreement between the City of Fort Wayne and Norfolk and Western Railway Co., and Wabash Railroad Co., regarding the maintenance, repair, renewal, relocation, operation, and use of the existing sanitary sewer located on railway property

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 2. That a certain Agreement dated October 1, 1981, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Norfolk and Western Railway Co., and Wabash Railroad Co., for:

maintenance, repair, renewal, relocation, operation and use of the existing sanitary sewer located on railway property,

at a total cost of \$16,780.00, all as more particularly set forth in said Agreement which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-33-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-38

SPECIAL ORDINANCE NO. S-34-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-010366 with LeRan
Copper & Brass Co., for copper pipe
required by the Water Maintenance and
Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010366, dated January 13, 1982, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and LeRan Copper & Brass Co., for:

copper pipe required by the Water
Maintenance and Service Department
for repairing and/or installing
services through June 30, 1982,

at a cost of \$19,210.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance on the 9th day of February, 1982. No. S-34-82

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-01-40 (AS AMENDED)

GENERAL ORDINANCE NO. G-LOST

An Ordinance prohibiting the use of money raised from city taxes for use and support of Civic and Convention Center

WHEREAS, the Common Council of the City of Fort Wayne has jurisdiction over the expenditure of city funds; and,

WHEREAS, the City of Fort Wayne through its Redevelopment Commission is proposing the construction of a new Civic and Convention Center along with a hotel, which complex will be located on the block bounded by Washington Boulevard, Jefferson Boulevard, Calhoun Street and Harrison Street in Fort Wayne, Indiana; and,

WHEREAS, said Civic Center and hotel complex should be constructed and operated without the expenditure of tax money raised by the City of Fort Wayne, Indiana from real estate and personal property taxes.

NOW THEREFORE BE IT ORDAINED:

Section 1. There shall never be tax money raised by City of Fort Wayne, Indiana from real estate and personal property spent for construction, maintenance and operation of the new Civic Center and hotel complex located on real estate in the block bounded by Washington Boulevard, Jefferson Boulevard, Calhoun Street and Harrison Street in the City of Fort Wayne, Indiana;

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

AMENDMENT: This ordinance shall not affect expenditures made prior to the date of enactment of this ordinance, or expenditures made with tax dollars raised by T.I.F. for ancillary projects in the bonded areas.

Read the third time in full and on motion by Burns, seconded by Schmidt and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Burns, Schmidt, Schomburg, Stier
Nays: Four
Bradbury, Eisbart, GiaQuinta, Talarico
Absent: One
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

BILL NO. R-82-01-41

RESOLUTION NO. R-05-82

A RESOLUTION on Leo R. Mathews,
deceased superintendent of the
Fort Wayne Filtration Plant

Leo R. Mathews was one of Fort Wayne's dedicated public servants.

He took charge of the City Filtration Plant on January 1, 1934, after having supervised the building of the facility, which was begun in 1931, and completed in December, 1933.

Prior to his being named superintendent of the Fort Wayne Filtration Plant, Mr. Mathews was associated for ten (10) years with Hoad, Decker, Shoecraft & Drury, the engineering firm which had the contract to design Fort Wayne's water plant.

Mathews supervised the construction of the plant as resident engineer and stayed in the city to direct the operation of the water works plant in all of the years from and after January 1, 1934, until his retirement some thirty-one (31) years later on January 1, 1965.

Mr. Mathews was a graduate of the University of Michigan and Tri-State College. He was not only an able engineer and administrator of said plant, but also was a dedicated person in the fulfillment of his duties over the years.

BE IT THEREFORE RESOLVED that the City of Fort Wayne, Indiana, pay tribute to one of its most able, conscientious and dedicated servants, Leo R. Mathews, by naming the City Filtration Plant of Fort Wayne, "The Leo R. Mathews City Filtration Plant."

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbarg, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-05-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of February, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-09

RESOLUTION NO. R-06-82

RESOLUTION BY COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

WHEREAS, Common Council of the City of Fort Wayne, Indiana, experienced difficulty in evaluating the complex multi-zoned proposal for bid developed by the Board of Works for awarding the Garbage Contract.

THEREFORE BE IT RESOLVED THAT:

This Council go on record urging that the Administration through the Board of Works develop a proposal for bid which contains only one method of bidding for the contract for garbage pick up and disposal.

Ben E. Eisbart

Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schmoburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 2-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-06-82 on the 9th day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of February, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

BILL NO. S-82-02-01

SPECIAL ORDINANCE NO. S-35-82

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A \$2,000,000 ECONOMIC DEVELOPMENT REVENUE BOND (TGIF-FORT WAYNE PROJECT) (TGI FRIDAY'S INC. - LESSEE) OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO ASSIST TGIF-FORT WAYNE IN THE FINANCING OF ECONOMIC DEVELOPMENT FACILITIES WITHIN THE MEANING OF J6-7-12-2, INDIANA CODE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT PERTAINING TO THE PROJECT AND THE EXECUTION AND DELIVERY OF AN ASSIGNMENT SECURING THE PAYMENT OF SAID BOND.

WHEREAS, the City of Fort Wayne, Indiana, a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Indiana, by virtue of the laws of said State, including Sections 36-7-12-1 to 36-7-12-37, Indiana Code, is authorized and empowered, among other things, (a) to issue revenue bonds for the purpose of making a loan to assist in the financing of costs of acquiring, constructing, equipping or improving economic development facilities, as defined in Section 36-7-12-2, Indiana Code, comprising a commercial facility located within the boundaries of the Issuer, (b) to enter into a loan agreement and to provide for revenues sufficient to pay the principal of, and premium, if any, and interest on such revenue bonds, (c) to secure such revenue bonds by an assignment of revenues, as provided for herein, and (d) to enact this Bond Legislation and enter into the Loan Agreement and to execute and deliver the Assignment, all as hereinafter defined, upon the terms and conditions provided therein;

WHEREAS, pursuant to a resolution adopted by the Issuer on September 17, 1981, the Issuer agreed to issue bonds to assist TGI Friday's Realty, Inc., a wholly owned subsidiary of TGI Friday's Inc., in the financing of costs of acquiring, constructing and equipping the project described therein; and

WHEREAS, it has been requested that said bonds now be issued for the aforesaid purpose and loaned to the Company, as herein-

after defined, a limited partnership of which TGI Friday's Inc. is the general partner;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Bond Legislation or in the Agreement, the following words and terms as used in this Bond Legislation shall have the following meanings unless the context or use clearly indicates another meaning or intent:

"Act" means Sections 36-7-12-1 to 36-7-12-37 of the Indiana Code.

"Agreement" means the Loan Agreement between the Issuer and the Company, dated as of February 1, 1982, as from time to time amended or supplemented.

"Assignment" means the Assignment of the Loan Agreement and Revenues, of even date with the Agreement, from the Issuer to the Original Purchaser as from time to time amended or supplemented.

"Authorized Company Representative" means the person at the time designated pursuant to the Agreement to act on behalf of the Company.

"Bond Legislation" means this Ordinance as from time to time lawfully amended or supplemented.

"Bond Payment Date" means as to the Project Bond each January 15, April 15, July 15 and October 15, commencing the first of such dates after the initial delivery of the Project Bond and after which at least 90 days have elapsed.

"Bond service charges" for any time period means the principal and late charges, if any, and interest required to be paid by the Issuer on the Project Bond for such time period.

"Code" means the Internal Revenue Code of 1954 as amended and references to the Code and Sections of the Code shall include relevant regulations and proposed regulations thereunder and any

1 successor provisions to such Sections, regulations or proposed
2 regulations.

3 "Company" means TGIF-Fort Wayne, a limited partnership formed
4 and existing under the laws of the State of Texas and registered
5 to do business in the State, and its lawful successors and assigns.

6 "Construction Fund" means the Construction Fund created by
7 Section 6 hereof.

8 "Eligible Investments" means (i) obligations issued or
9 guaranteed by the United States or by any person controlled or
10 supervised by or acting as an instrumentality of the United States
11 pursuant to authority granted by Congress, (ii) obligations issued
12 or guaranteed by any state or political subdivision thereof rated
13 A or MIG-1, as applicable, or higher by Moody's Investors Service,
14 Inc. or by Standard & Poor's Corporation, both of New York, New
15 York, or their successors; (iii) commercial or finance paper,
16 including that of the Escrow Agent or any affiliate thereof,
17 which is rated either P-1 or A-1, as applicable, or their
18 equivalent by Moody's Investors Service, Inc. or Standard & Poor's
19 Corporation, both of New York, New York, or their successors;
20 (iv) bankers' acceptances drawn on and accepted by commercial
21 banks; (v) certificates of deposit of the Escrow Agent or any
22 commercial bank affiliated with the Escrow Agent, or any other
23 bank or trust company organized under the laws of the United
24 States of America or any state thereof, having a reported capital
25 and surplus of at least \$25,000,000; and (vi) repurchase agree-
26 ments fully secured by obligations of the type specified in
27 (i) above; provided that any such investment or deposit is not
28 prohibited by applicable law.

29 "Escrow Agent" means Fort Wayne National Bank, Fort Wayne,
30 Indiana as Escrow Agent under the Escrow Agreement.

31 "Escrow Agreement" means the Escrow Agreement for the
32 escrowing of the Construction Fund dated as of February 1, 1982,

1 among the Escrow Agent, the Issuer, the Company and the Holder.

2 "Executive" means Mayor of the Issuer.

3 "Fiscal Officer" means the City Clerk of the Issuer.

4 "Holder" means the Original Purchaser, as the initial holder
5 of the Project Bond or, in the event of transfer, thereof, as
6 permitted by its terms, any subsequent holder of the Project Bond.

7 "Issuer" means the City of Fort Wayne, Indiana, a municipal
8 corporation and political subdivision duly organized and validly
9 existing under the laws of the State of Indiana.

10 "Lease" means, collectively, the Lease dated as of February
11 1, 1982 and the Equipment Lease dated as of February 1, 1982,
12 both between the Company and the Lessee, as from time to time
13 supplemented or amended.

14 "Legal Officer" means the City Attorney of the Issuer or
15 the Attorney for the Fort Wayne Economic Development Commission.

16 "Legislative Authority" means the Common Council of the
17 Issuer.

18 "Lessee" means TGI Friday's Inc., a corporation duly organ-
19 ized and validly existing under the laws of the State of New York
20 and qualified to do business in the State, and its lawful succes-
21 sors and assigns.

22 "Loan" means the loan by the Issuer to the Company of the
23 proceeds received from the sale of the Project Bond.

24 "Loan Payments" means the amounts required to be paid by
25 the Company in repayment of the Loan pursuant to the provisions
26 of Section 4.1 of the Agreement.

27 "Mortgage" means the Mortgage and Security Agreement, dated
28 as of February 1, 1982, executed and delivered by the Company to
29 the Holder concurrently with the delivery of the Note, as from
30 time to time amended or supplemented.

31 "Note" means the promissory note of the Company attached to
32 the Agreement as Exhibit A, in the principal amount of \$2,000,000.

1 evidencing the obligation of the Company to make Loan Payments
2 and delivered to the Original Purchaser pursuant to the Agreement.

3 "Original Purchaser" means The Valley National Bank of
4 Arizona, Phoenix, Arizona.

5 "Person" or words importing persons mean and include firms,
6 associations, partnerships (including limited partnerships),
7 societies, trusts (public or private), corporations or other legal
8 entities including public or governmental bodies as well as natur-
9 al persons.

10 "Prime Rate" means the interest rate per annum announced
11 from time to time by The Valley National Bank of Arizona as its
12 Prime Rate.

13 "Project" means (a) the real estate at the time comprising
14 the Project Site, as defined in the Agreement and (b) the real
15 and personal property at the time comprising the Project Facili-
16 ties as defined in the Agreement, together constituting "economic
17 development facilities" as defined in the Act.

18 "Project Bond" means the \$2,000,000 Economic Development
19 Revenue Bond (TGIF-Fort Wayne Project) (TGI Friday's Inc.-Lessee)
20 of the Issuer authorized in Section 3 hereof.

21 "Project Purpose" means acquiring, constructing, equipping
22 or improving real and personal property comprising economic
23 development facilities to be leased to TGI Friday's Inc. for use
24 as a restaurant and bar or such as may otherwise be permitted by
25 the Agreement.

26 "Revenues" means (a) the Loan Payments, (b) all other moneys
27 received or to be received by the Issuer, or the Holder for the
28 account of the Issuer, in respect of repayment of the Loan,
29 (c) unexpended moneys in the Construction Fund or unexpended
30 moneys in any separate deposit account held by the Holder pursuant
31 to the Mortgage, and (d) all income and profit from the investment
32 of the Loan Payments and such other moneys.

1 "State" means the State of Indiana.

2 Any reference herein to the Issuer or to any member or
3 officers thereof or to the Legislative Authority, or to any member
4 or officer of either, shall include those succeeding to their
5 functions, duties or responsibilities pursuant to or by operation
6 of law or lawfully performing their functions. Any reference to
7 a section or provision of the Constitution of the State or the
8 Act, or to a section, provision or chapter of the Indiana Code
9 shall include such section or provision or chapter as from time
10 to time amended, modified, revised, supplemented or superseded,
11 provided that no such change in the Constitution or laws shall
12 be applicable solely by reason of this provision if such change
13 in any way constitutes an impairment of the rights or obligations
14 of the Issuer, the Holder or the Company under this Bond Legisla-
15 tion, the Agreement, the Assignment, the Mortgage, the Note or
16 any other document executed in connection with any of the fore-
17 going, including, without limitation, any alteration of the
18 obligation to pay the Bond service charges in the amount and
19 manner, at the times and from the sources provided in the Bond
20 Legislation, the Agreement and the Mortgage, except as otherwise
21 herein permitted.

22 Unless the context shall otherwise indicate, words importing
23 the singular number shall include the plural number, and vice
24 versa. The terms "hereof", "hereby", "herein", "hereto",
25 "hereunder" and similar terms mean this Bond Legislation; and the
26 term "hereafter" means after, and the term "heretofore" means
27 before, the effective date of this Bond Legislation. Words of
28 the masculine gender include the feminine and the neuter, and when
29 the terms so indicate, words of the neuter gender may refer to
30 any gender.

31 The captions and headings of this Bond Legislation shall be
32 solely for the convenience of reference and in no way define,

1 limit or describe the scope or intent of any provisions or
2 Sections of this Bond Legislation.

3 SECTION 2. Determinations of Legislative Authority. The
4 Legislative Authority does hereby determine that (a) the Project
5 constitutes economic development facilities within the meaning
6 of the Act and the proposed financing thereof as herein authorized
7 will be of benefit to the health and welfare of the Issuer by
8 tending to overcome deficiencies previously found to exist in
9 the community, to wit: insufficient employment opportunities
10 and insufficient diversification of economic development facili-
11 ties; (b) the proposed financing of the Project, as herein
12 authorized, complies with the purposes and provisions of the
13 Act and the utilization of the Project is in furtherance of the
14 purposes of the Act and will benefit the people of the Issuer
15 and of the State by creating and preserving jobs and employment
16 opportunities and improving the economic welfare of the people
17 of the Issuer and of said State; and (c) the provision of loan
18 assistance in the financing of costs of acquiring, constructing,
19 equipping or improving the Project, including the financing of
20 the costs thereof, will require the issuance, sale and delivery
21 of the Project Bond in the principal amount of \$2,000,000, which
22 shall be payable and secured as provided herein and in the
23 Agreement, the Note and the Mortgage.

24 SECTION 3. Authorization and Terms of Project Bond. It is
25 determined to be necessary to, and the Issuer shall, issue, sell
26 and deliver, as provided and authorized herein and pursuant to
27 the authority of the Act, the Project Bond for the purpose of
28 making a loan to assist the Company in the financing of costs of
29 acquiring, constructing, equipping or improving the Project for
30 the Project Purpose. The Project Bond shall be designated
31 "Economic Development Revenue Bond (TGIF-Fort Wayne Project)
32 (TGI Friday's Inc. - Lessee)".

1 The Project Bond shall be issued as a single instrument in
2 the denomination of \$2,000,000, substantially in the fully
3 registered form attached hereto as Exhibit A (which is incorporated
4 herein by reference and made a part hereof fully as if set forth
5 in full herein), and shall be subject to optional prepayment,
6 as set forth herein, in the Agreement and in said Exhibit A at
7 the place set forth therein.

8 The Project Bond shall be dated as of February 1, 1982, but
9 shall bear interest at the Applicable Rate (subject to adjustment
10 as hereinafter provided) from the date of initial delivery thereof
11 (which date shall appear on the face of the Project Bond) to the
12 Original Purchaser on the unpaid balance of the principal sum
13 thereof until such balance shall be paid in full. Interest shall
14 be payable in arrears each Bond Payment Date and shall be calcu-
15 lated on the basis of a 360-day year of twelve consecutive
16 30-day months. The amount due on the Project Bond for interest
17 on each Bond Payment Date shall be the amount of interest accrued
18 on the outstanding principal balance of the Project Bond for the
19 calendar quarter ending the December 31, March 31, June 30 and
20 September 30 prior to the respective Bond Payment Dates, and
21 written notice of the amount due shall be mailed by the Holder
22 to the Company on each December 31, March 31, June 30 and
23 September 30; provided, however, that any failure on the part of
24 the Holder to mail such statement shall not excuse the payment
25 of such amount but such amount shall not be due until fifteen
26 days have elapsed from the mailing of such statement. As used
27 herein, "Applicable Rate" means 65% of the Prime Rate. The
28 Applicable Rate shall be initially established by the Holder as
29 of the close of business of the date of initial delivery thereof
30 to the Original Purchaser and shall be subject to adjustment on
31 and as of the date any change in the Prime Rate becomes effective.

32 The Project Bond shall be payable as to principal on each

1 Bond Payment Date, commencing April 15, 1985, in the amounts set
2 forth in Schedule A thereof.

3 The unpaid principal balance of the Project Bond is subject
4 to prepayment at any time, at a prepayment price equal to 100%
5 of the principal amount prepaid, at the option of the Issuer
6 exercised at the request of the Company by the prepayment prior
7 to stated maturities of installments of principal due thereon in
8 whole or in part, together with interest accrued on the principal
9 amount prepaid to the prepayment date.

10 The unpaid principal balance of the Project Bond is also
11 subject to prepayment, at a prepayment price equal to 100% of the
12 unpaid principal balance thereof together with interest accrued
13 thereon to the prepayment date and late charges, if any, at the
14 option of the Holder and upon satisfaction of the conditions
15 provided in Section 6.2 of the Agreement.

16 In the event of any final determination with respect to the
17 tax liability of the Holder of the Project Bond that the interest
18 on the Project Bond is wholly or partially includable for federal
19 income tax purposes in the gross income of the Holder (other
20 than in the event that the Holder is a "substantial user" of
21 the Project or a "related person" as those terms are used in
22 Section 103(b)(10) of the Code), the interest rate on the Project
23 Bond shall from the date as of which interest is so includable
24 (the "Date of Taxability") and until all the installments due
25 on the Project Bond shall have been paid, or until the date as
26 of which interest is no longer determined to be so includable
27 pursuant to a final determination, be equal to (i) the Prime
28 Rate plus one per centum (the "Taxable Rate"), in the event
29 interest is wholly includable or (ii) the Applicable Rate plus
30 that portion of the difference between the Taxable Rate and the
31 Applicable Rate equal to the portion of interest which is
32 includable, in the event that interest is partially includable.

1 In the event of any final determination, the interest rate on
2 the Project Bond shall be adjusted as of the close of business
3 of the Date of Taxability and thereafter as hereinbefore provided.
4 An amount equal to the difference between (a) the amount of inter-
5 est which would have been paid on the Project Bond had the inter-
6 est rate per annum been adjusted as provided in either (i) or
7 (ii) above for a period (the "Payment Period") beginning on the
8 Date of Taxability and ending on the first day of the month in
9 which the final determination occurs and (b) the amount of
10 interest actually paid on the Project Bond for the Payment Period
11 shall be paid to the Holder of the Project Bond within thirty
12 (30) days after the date of the final determination. In addition,
13 in the event of any final determination, there shall also be due
14 and payable on the Project Bond an amount generally intended to
15 make the Holder whole with respect to any penalties or interest
16 required to be paid by the Holder for failure to report for
17 federal income tax purposes the interest on the Project Bond, any
18 such amount shall be paid within thirty (30) days after the Holder
19 furnishes to the Company evidence of the amount of such penalties
20 or interest paid by the Holder. As used herein, "final determina-
21 tion" shall be deemed to have occurred upon receipt by the Holder
22 of a ruling or technical advice by the Internal Revenue Service
23 in which the Company has participated or a written opinion of an
24 attorney or firm of attorneys of recognized standing on the
25 subject of municipal bonds selected by the Holder and approved by
26 the Company, which approval shall not be unreasonably withheld.
27 This paragraph shall survive the payment in full of Bond service
28 charges on the Project Bond.

29 Bond service charges on the Project Bond shall be payable
30 in lawful money of the United States, and the Project Bond shall
31 express on its face the purpose for which it is issued and such
32 other statements or legends as may be required by law. Bond.

1 service charges on the Project Bond shall be payable at the
2 principle office of the Holder. Upon any transfer of the Project
3 Bond by the Holder, the Holder shall endorse thereon all payments
4 of Bond service charges theretofore made.

5 The Project Bond shall be executed by the manual signature
6 of the Executive and attested by the manual signature of the
7 Fiscal Officer, and shall bear the corporate seal of the Issuer.

8 SECTION 4. Payment of and Security for the Project Bond.

9 The Project Bond shall be payable solely from the Revenues and
10 shall be secured by a pledge of the Revenues and by the Assignment.
11 The Project Bond shall be further secured by the Note and the
12 Mortgage delivered by the Company to the Holder pursuant to the
13 Agreement. Anything in this Bond Legislation or the Project Bond
14 to the contrary notwithstanding, neither this Bond Legislation,
15 the Project Bond, nor the Agreement shall in any respect be a
16 general obligation of the Issuer, nor shall the Project Bond be
17 payable in any manner from funds raised by taxation, and the
18 Project Bond shall contain on the face thereof a statement to
19 that effect and that such Bond is payable solely from the Revenues;
20 provided, that nothing herein shall be deemed to prohibit the
21 Issuer, of its own volition, from using to the extent lawfully
22 authorized to do so any other resources for the fulfillment of
23 any of the terms, conditions or obligations of the Bond Legisla-
24 tion or of the Project Bond.

25 SECTION 5. Sale of Project Bond. The Project Bond is sold
26 and awarded to the Original Purchaser in accordance with its offer
27 to purchase the Project Bond at a purchase price equal to the par
28 value thereof. The Executive and the Fiscal Officer are author-
29 ized and directed to make the necessary arrangements with the
30 Original Purchaser to establish the date, location, procedure
31 and conditions for the delivery of the Project Bond to the
32 Original Purchaser, and to take all steps necessary to effect due

1 execution and delivery to the Original Purchaser of the Project
2 Bond under the terms of this Bond Legislation; provided, however,
3 the Project Bond shall be executed and delivered within 60 days
4 from the date of adoption of this Bond Legislation. It is hereby
5 determined that the price for and the terms of the Project Bond,
6 and the sale thereof, all as provided in this Bond Legislation,
7 are in the best interest of the Issuer and in compliance with
8 all legal requirements.

9 SECTION 6. Allocation of Proceeds of Project Bond - Construc-
10 tion Fund. The proceeds from the sale of the Project Bond shall
11 be deposited and credited to a separate deposit account which is
12 created by the Issuer, to be maintained (except when invested
13 as hereinafter provided) in the name of the Issuer by the Escrow
14 Agent pursuant to the Escrow Agreement and the Assignment which
15 Escrow Agreement is hereby approved by the Issuer. Said separate
16 account shall be designated "City of Fort Wayne, Indiana - TGIF-
17 Fort Wayne Construction Fund" (the "Construction Fund"). Moneys
18 in the Construction Fund may be invested as provided in Section 9
19 hereof and shall be held and disbursed in accordance with the
20 provisions of the Escrow Agreement, Assignment and the Agreement.
21 The Escrow Agent is authorized and directed to make any such
22 disbursement from the Construction Fund in accordance with the
23 provisions of the Escrow Agreement, the Agreement and the Assign-
24 ment.

25 The moneys and Eligible Investments to the credit of the
26 Construction Fund shall, pending disbursement pursuant to the
27 Agreement and as above set forth, constitute a part of the
28 Revenues pledged and assigned as security for the payment of the
29 Bond service charges.

30 SECTION 7. Pledge and Assignment of Revenues. The Issuer
31 hereby pledges and assigns its right, title and interest in all
32 Revenues, including the investments thereof, to the Holder as

1 security for the payment of the Bond service charges, including,
2 without limitation, all Loan Payments which under the terms of
3 the Agreement and the Note are to be paid by the Company directly
4 to the Holder for application to the payment of such Bond service
5 charges. Such pledge and assignment shall be, and is intended
6 to be, immediately effective without further action; provided
7 that, the Issuer shall execute and deliver the Assignment and
8 shall take such other action as may be deemed necessary or appro-
9 priate by the Legal Officer to further evidence such pledge and
10 assignment.

11 SECTION 8. Covenants and Representations of Issuer. In
12 addition to other covenants and representations of the Issuer con-
13 tained in this Bond Legislation, the Issuer further covenants,
14 represents and agrees with the Holder as follows:

15 (a) Payment of Bond Service Charges. The Issuer will,
16 solely from the sources herein provided, pay or cause to be paid
17 the Bond service charges on the Project Bond on the dates, at
18 the places and in the manner provided herein and in the Project
19 Bond.

20 (b) Performance of Covenants, Authority and Actions. The
21 Issuer will at all times faithfully observe and perform all
22 agreements, covenants, undertakings, stipulations and provisions
23 contained in the Agreement, the Assignment, this Bond Legislation
24 and the Project Bond and all proceedings of its Legislative
25 Authority pertaining thereto, on its part to be performed or
26 observed. The Issuer represents that it is, and upon delivery of
27 the Project Bond covenants that it will be, duly authorized by
28 the Constitution and laws of the State including particularly
29 and without limitation the Act, to issue the Project Bond, to
30 execute the Agreement, the Escrow Agreement and the Assignment
31 and to provide the security for payment of the Bond service
32 charges in the manner and to the extent herein and in the Project

1 Bond set forth; that all actions on its part for the issuance
2 of the Project Bond and execution and delivery of the Agreement
3 and the Assignment have been or will be duly and effectively
4 taken; and that the Project Bond in the hands of the Holder will
5 be a valid and enforceable special obligation of the Issuer
6 according to the terms thereof. Each obligation of the Issuer
7 required to be undertaken pursuant to the Bond Legislation, the
8 Agreement, the Escrow Agreement, the Assignment and the Project
9 Bond is binding upon the Issuer, and upon such officer or employee
10 thereof as may from time to time have the authority under law to
11 take such actions as may be necessary to perform all or any part
12 of such obligation, as a duty of the Issuer and of each such
13 officer and employee resulting from an office, trust or station.

14 (c) Revenues and Assignment of Revenues. Except as otherwise
15 provided in this Bond Legislation, the Agreement or the Assignment,
16 the Issuer will not pledge or assign the Revenues or create or
17 permit to be created any debt, lien or charge thereon other than
18 the pledge and assignment thereof under this Bond Legislation and
19 the Assignment.

20 (d) Recordings and Filings. The Issuer will, at the expense
21 of the Company, cause the Agreement and the Assignment and any
22 amendments or supplements to either and any related documents or
23 instruments relating to the pledge and assignment made by it to
24 secure the Project Bond, to be recorded and filed in such manner
25 and in such places as may be required by law in order to fully
26 preserve and protect the security of the Holder.

27 (e) Inspection of Project Books. All books and documents
28 in the Issuer's possession relating to the Project and the Rev-
29 enues shall at all times during the Issuer's regular business
30 hours be open to inspection by such accountants or other agents
31 of the Holder as the Holder may from time to time designate.

32 (f) Rights and Enforcement of the Agreement. The Holder, in

1 its name or in the name of the Issuer, may enforce all rights of
2 the Issuer except for Unassigned Issuer's Rights as defined in the
3 Agreement and all obligations of the Company under and pursuant
4 to the Agreement, whether or not the Issuer is in default of the
5 pursuit or enforcement of such rights and obligations. However,
6 the Issuer shall do all things and take all actions on its part
7 necessary to comply with the obligations, duties and responsib-
8 ilities on its part under the Agreement, and will take all actions
9 within its authority to keep the Agreement in effect in accordance
10 with the terms thereof.

11 (g) Arbitrage Provisions. The Issuer will restrict the use
12 of the proceeds of the Project Bond in such manner and to such
13 extent, if any, as may be necessary, after taking into account
14 reasonable expectations at the time of the delivery of and payment
15 for such Project Bond, so that the Project Bond will not constitute
16 arbitrage bonds under Section 103(c) of the Internal Revenue Code
17 and the applicable income tax regulations under that Section.
18 The Fiscal Officer or any other officer of the Issuer having
19 responsibility for issuing the Project Bond is authorized and
20 directed, alone or in conjunction with any of the foregoing or
21 with any other officer, employee, consultant or agent of the
22 Issuer or with the Company or any employee, consultant or agent
23 of the Company to give an appropriate certificate of the Issuer,
24 for inclusion in the transcript of proceedings for the Project
25 Bond, setting forth the reasonable expectations of the Issuer
26 regarding the amount and use of the proceeds of the Project Bond
27 and the facts, estimates and circumstances on which they are
28 based, such certificate to be premised on the reasonable expec-
29 tations and the facts, estimates and circumstances on which they
30 are based as provided by the Company, all as of the date of
31 delivery of and payment for the Project Bond.

32 (h) Transcript of Proceedings. The Fiscal Officer or other

1 appropriate officer of the Issuer shall furnish to the Holder
2 a true transcript of proceedings, certified by said officer, of
3 all proceedings had with reference to the issuance of the Project
4 Bond along with such information from the records as is necessary
5 to determine the regularity and validity of the issuance of said
6 Project Bond.

7 (i) Federal Tax Election. This Legislative Authority elects
8 to have the limitation on capital expenditures specified in
9 Section 103(b) (6) (D) of the Code applied to the Project Bond, and
10 the execution and filing with the Internal Revenue Service of a
11 statement regarding such election, as provided for in such Code
12 and the rules and regulations of the Internal Revenue Service,
13 by the Executive or the Fiscal Officer is hereby authorized,
14 approved, ratified and affirmed.

15 SECTION 9. Investment and Records of Construction Fund.
16 Moneys in the Construction Fund shall be invested and reinvested
17 by the Escrow Agent in any Eligible Investments at the oral or
18 written direction of the Authorized Company Representative in
19 accordance with Section 3.7 of the Agreement. Subject to any
20 such written request with respect thereto, the Escrow Agent may
21 from time to time sell such investments and reinvest the proceeds
22 therefrom in Eligible Investments maturing or redeemable as
23 aforesaid. Any such investments may be purchased from or sold
24 to the Escrow Agent. An investment made from moneys credited to
25 the Construction Fund shall constitute part of that Fund and such
26 Fund shall be credited with all proceeds of sale and income from
27 such investment. For purposes of this Bond Legislation, such
28 investments shall be valued at face amount or market value,
29 whichever is less.

30 SECTION 10. Agreement, Assignment and Escrow Agreement.
31 In order to provide for the issuance and sale of the Project
32 Bond and the consummation of the transactions to be consummated

thereby, the Executive and the Fiscal Officer are authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the Issuer, the Agreement, the Assignment and the Escrow Agreement, in substantially the forms submitted to this Legislative Authority, which instruments are approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of such instruments.

SECTION 11. Other Documents. The Executive and the Fiscal Officer, as appropriate, are further authorized and directed to execute such certifications, financing statements, assignments and instruments as are, in the opinion of Bond Counsel, necessary or appropriate to perfect the pledge and assignments set forth herein and in the Assignment and to consummate the transactions contemplated by this Bond Legislation, the Agreement, and the Assignment.

SECTION 12. Delivery of Project Bond. Before the Project Bond is delivered there shall be delivered to the Holder:

- (a) A copy, duly certified by the Fiscal Officer of this Bond Legislation; and
- (b) The fully-executed Note;
- (c) An original executed counterpart of the Agreement, the Escrow Agreement, the Mortgage and the Assignment and;
- (d) Written title evidence that the Holder as holder of the Mortgage will have a valid, direct first mortgage upon the Mortgaged Property as defined in the Mortgage subject

only to (i) taxes and assessments not delinquent, (ii) liens and encumbrances permitted by the terms and provisions of the Mortgage, and (iii) the Mortgage. Such title evidence shall consist of an ALTA form of loan policy of title insurance, or commitment therefor, in the name of the Holder both in an amount of not less than \$2,000,000, issued by a title company selected by the Company and approved by the Holder, authorized to transact business in the State.

SECTION 13. Payment and Discharge. If the Issuer shall pay or cause to be paid and discharged the Project Bond, the covenants, agreements and other obligations of the Issuer hereunder and in the Project Bond, the Agreement, the Assignment and the Escrow Agreement shall be discharged and satisfied, except for the obligation to make any payment required under loss of tax exemption provisions in Section 3 hereof.

SECTION 14. Compliance with Open Meeting Requirements. It is hereby found and determined that all final actions of this Legislative Authority concerning and relating to the passage of this Bond Legislation were taken in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees that resulted in such final actions were conducted openly, in compliance with all legal requirements.

SECTION 15. Payments Due on Sundays and Holidays. In any case where the date of maturity of or due date of interest on or principal of the Project Bond shall be a Sunday or a day on which the Holder is required, or authorized or not prohibited, by law (including executive orders) to close and is closed,

1 then payment of such interest or principal need not be made on
 2 such date but may be made on the next succeeding business day on
 3 which the Holder is open for business with the same force and
 4 effect as if made on the date of maturity or such due date and no
 5 interest shall accrue for the period after such date.

6 SECTION 16. Effective Date. This Ordinance shall take
 7 effect and be in force immediately upon its passage and approval
 8 by the Mayor.

Mark C. GiaQuinta
 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-35-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-82-02-02

RESOLUTION NO. R-07-82

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$3,400,000 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
(CENTENNIAL/FORT WAYNE ASSOCIATES, A
GENERAL PARTNERSHIP) TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person, and

WHEREAS, Centennial/Fort Wayne Associates, A General Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition and construction of an apartment complex for low and moderate income families to be guaranteed by the Federal Housing Administration including costs of issue, said project to be located at Old Decatur Road and Serenity Drive, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 75 construction and 4 permanent job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana:

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$3,400,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
 Bradbury, Eisbart, GiaQuinta, Schomburg, Talarico
 Nays: Two
 Burns, Stier
 Absent: Two
 Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-07-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-82-02-29

RESOLUTION NO. R-08-82

A RESOLUTION Approving Amended Preliminary Bond Resolution #1-1981 of the Board of Park Commissioners of the Park District of the City of Fort Wayne, Indiana

WHEREAS, the Board of Park Commissioners of the Park District of the City of Fort Wayne duly adopted on August 20, 1981, Preliminary Bond Resolution #11981 approving the issuance of bonds of said Park District in the amount of \$6,950,000.00 designated as "Park District Bonds of 1981", to be issued in denominations of \$5,000.00 payable each year in series beginning January 1, 1983, and ending January 1, 1994, with interest at a rate not to exceed 11% with interest to be payable semi-annually beginning on July 1, 1982, and

WHEREAS, this Council approved the issuance of said bonds pursuant to the terms of said Preliminary Bond Resolution #1-1981 by Resolution duly adopted by it on October 27, 1981, and approved by the Mayor on October 28, 1981, and

WHEREAS, market interest rates for said bonds have since increased and said Park Board has been advised and no longer believes it feasible to sell said bonds at an interest rate limited to 11%, and said Park Board has, therefore, on January 28, 1982, amended said Preliminary Bond Resolution #1-1981 by increasing the maximum interest rate at which said bonds could be sold from 11% to 13% as provided therein;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That said Preliminary Bond Resolution #1-1981, as amended on January 28, 1982 by the Board of Park Commissioners of the Park District of the City of Fort Wayne, Indiana, is hereby approved.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Beadbury, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
 Nays: One
 Burns
 Absent: Two
 Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-08-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-82-01-04

GENERAL ORDINANCE NO. G-03-82

AN ORDINANCE amending Chapter 33, of the
 Code of the City of Fort Wayne, Indiana
 of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 3313 of the Code of the City of Fort Wayne, Indiana of 1974, be amended as follows:

SECTION 33-13B. (8) is amended to read: (8) Golf driving range, putting green, miniature golf course or outdoor sports playing fields including softball and baseball diamonds.

SECTION 2. That if any section paragraph clause, sentence or part of this Ordinance shall be declared invalid, it shall not affect the legality of the remainder of other parts of this Ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
 Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
 Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
 Nays: None
 Absent: Two
 Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-01-05

ZONING MAP ORDINANCE NO. Z-05-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map Nos. G-2, G-6, H-2 & H-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974;

A part of Lots 16, 17 and 18 in Samuel Edsalls Subdivision of Lagro Reserve, Township 30 North, Range 12 East, Allen County, Indiana, to-wit:

All that portion of Lots 16, 17, and 18 said Subdivision lying South of Old Illinois Road and North of New Illinois Road and Upper Huntington Road and West of Ardmore Avenue,
ALSO: Lots 1 and 11 Foxfords Addition excluding that portion taken and/or dedicated for road purposes,

and the symbols of the City of Fort Wayne Zoning Map Nos. G-2, G-6, H-2, and H-6, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-05-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February,

1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-05

SPECIAL ORDINANCE NO. S-36-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-010412 with American
Management Systems, Inc., for an Auto-
mated Financial Accounting System for
Fort Wayne City Utilities

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-101412, dated February 5, 1982, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and American Management Systems, Inc., for:

an Automated Financial Accounting
System for Fort Wayne City Utilities,

at a cost of \$167,500.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-36-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-06

SPECIAL ORDINANCE NO. S-37-82

AN ORDINANCE approving City Utilities purchase Order No. A-010411 with TRES Systems, Inc., for an Automated Billing System for City Utilities Operations

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010411, dated February 2, 1982, between the City of Fort Wayne by and through the City Utilities Purchasing Agent and the Board of Public Works and TRES Systems, Inc., for:

an Automated Billing System for City Utilities Operations,

at a cost of \$77,500.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-37-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-07

SPECIAL ORDINANCE NO. S-38-82

AN ORDINANCE approving Change Order No. 19, Contract 77-W-2, in connection with the Water Works Improvements/Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 19, to Hagerman/Shambaugh, in connection with the Water Works Improvements/Filtration Plant Contract 77-W-2, for:

some seven additional changes not specified in the original contract which should be installed to operate the facility more efficiently,

in the amount of \$20,558.08, as set out in the specifications, which are on file in the office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Two
Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-38-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-08

SPECIAL ORDINANCE NO. S-39-82

AN ORDINANCE approving a contract for
Water Resolution 1025-81, between the
City of Fort Wayne and Brooks Construction
Company for the installation of a water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Brooks Construction Company, for:

the installation of a 6" diameter water main including all necessary fittings on the south side of Chincilla Lane from South Anthony Blvd., southeastwardly to its terminus, also, on Chantada Lane from South Anthony Blvd., eastward to Chinchilla Lane,

under Board of Public Works Water Resolution 102581, at a total cost of \$40,912.65, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Absent: Two

Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-39-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-42 (AS AMENDED)

SPECIAL ORDINANCE NO. S-40-82

AN ORDINANCE approving an amendment to the presently existing Agreement by and between the City of Fort Wayne and Gibson, Tourney, Kim, Inc., for architectrual services

WHEREAS, the City has entered into an Agreement dated November 24, 1980, with Gibson, Tourney, Kim, Inc., said Agreement being approved by Council by the passage of an Ordinance;

WHEREAS, said Agreement provides for the architectural design, planning and engineering for Civic Center Phase II Parking Garage to be located in Block III of the Fort Wayne Redevelopment Commission's Civic Center Renewal Project at a total cost of \$192,000.00;

WHEREAS, said project has been expanded and accordingly additional professional services will have to be provided by Gibson, Tourney, Kim, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The amendment to the Agreement dated November 24, 1980, between the City of Fort Wayne, Indiana, and Gibson, Tourney, Kim, Inc., at a total cost up to \$272,000.00 all as more particularly set forth in said amendment attached hereto and made a part hereof and incorporated herein, is in all things ratified, confirmed and approved.

SECTION 2. Furthermore, there be no Citizens Center and no movement of City Utilities to the proposed facility.

SECTION 3. That this ORDinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Bradbury, Eisbart, GiaQuinta, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Absent: Two

Nuckols, Schmidt

Date: 2-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S- 40-82 on the 23rd day of February, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of February, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-30

RESOLUTION NO. R-09-82

A RESOLUTION strongly urging retention
of all rail transportation systems

WHEREAS, there is a serious threat to the City of Fort Wayne, Indiana, of losing a vital public service to our citizens and industry in our rail transportation system; and,

WHEREAS, the Common Council of the City of Fort Wayne, Indiana believes that such a loss would be to the detriment of our citizens and our industry;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Common Council of the City of Fort Wayne, Indiana strongly urges the retention of all of our rail transportation system by Congress and various commissions which serve under it;

Section 2. Be it further resolved that copies of this resolution be sent to U.S. Senators Lugar and Quayle and our Congressman, Dan Coates, and our Governor Robert Orr, and the Fort Wayne Chamber of Commerce.

Samuel J. Talarico
Mark E. GiaQuinta
James S. Stier
Roy J. Schomburg
Ben A. Eisbart
Paul M. Burns
Janet G. Bradbury

BILL NO. S-82-02-10

SPECIAL ORDINANCE NO. S-42-82

AN ORDINANCE specifying and setting salaries
for the year 1982 for two (2) non-bargaining unit positions of
the City Utilities of the City of Fort Wayne

WHEREAS, the Common Council has previously by Ordinance, S-81-12-29, set specific salaries for all Civil City and City Utility non-bargaining unit employees, for the year 1982; and

WHEREAS, the administration now deems it necessary to set salaries for two (2) non-bargaining unit positions in the City Utilities of the City of Fort Wayne so as to be in conformance and consistent with all other salaries as set for the year 1982 by the Common Council.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following salaries for two (2) non-bargaining positions herein indicated are hereby set for the year 1982;

<u>LABOR GRADE</u>	<u>POSITION</u>	<u>NAME</u>	1981	1982	INCREASE
17	Associate Director Personnel/ Labor Relations	C. Reed	\$23,751.52	\$24,701.58	\$950.06
13	Employment Specialist	R. Ruderman	\$19,460.00	\$20,238.90	\$778.42

SECTION 2. That the salaries herein set are to be made retroactive to January 1, 1982, and further said salaries shall be subject to all appropriated budgetary provisions.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-42-82 on the 9th day of March, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-11

SPECIAL ORDINANCE NO. S-43-82

AN ORDINANCE approving an Agreement by and between the City of Fort Wayne and the Lincoln National Life Insurance Company, and the establishment of a separate insurance fund for employee benefit plan purposes

WHEREAS, the City of Fort Wayne has analyzed its present insurance coverage as provided to the employees of the City of Fort Wayne and the costs associated therewith;

WHEREAS, the City of Fort Wayne has determined that it is possible to provide identical coverage to its employees while at the same time reducing the City's costs for such coverage by entering into a Shared Funding Insurance Agreement with the Lincoln National Life Insurance Company and by the establishment of a separate insurance fund which would allow payment to the Lincoln National Life Insurance Company for services and charges as specified in the Shared Funding Insurance Agreement; payment of covered claims to employees of the City of Fort Wayne; and the establishment and maintenance of a reserve account.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne does hereby approve in all respects the Agreement attached hereto, as a part hereof, as Exhibit "A", which is the Shared Funding Insurance Agreement by and between the City of Fort Wayne and the Lincoln National Life Insurance Company under which identical insurance benefits will be provided the employees of the City of Fort Wayne at a lower cost to the City of Fort Wayne.

SECTION 2. The Common Council of the City of Fort Wayne does hereby approve the establishment of an insurance fund created for the following purposes: To pay the Lincoln National Life Insurance Company for services and charges as specified in the Shared Funding Insurance Agreement (Exhibit "A"); to pay covered claims to employees of the City of Fort Wayne, and in that regard, the Common Council of the City of Fort Wayne does hereby further approve the attached Agreement between the City of Fort Wayne and the Lincoln National Bank and Trust Company, of Fort Wayne, Indiana, made a part hereof as Exhibit "B" and to the known as the Claims Account Agreement; and as the third part of such insurance fund, the establishment of a separate reserve account. This reserve account is establishment of a separate reserve account. This reserve account is established so that the City may place into same the minimum sum of \$400,000.00 which the City will receive from the Lincoln National Life Insurance Company due to the fact that the Lincoln National Life Insurance Company no longer needs to maintain a reserve fund for insurance coverage purposes under the Shared Funding Insurance Agreement (Exhibit "A") as herein approved by the Common Council.

The City is authorized to invest said monies in the separate reserve account, as herein established as part of the insurance fund, at the highest possible interest rate, and the interest therefrom shall insure to the benefit of the general fund of the City of Fort Wayne.

It is further stipulated that the principal of said separate reserve account may be removed only if the City, in the future, discontinues the shared funding concept, but prior to such removal of principal or any part thereof, any and all claims incurred prior to the date of discontinuance shall be paid.

SECTION 3. If any section, clause, sentence, paragraph, part, or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part, or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-12

SPECIAL ORDINANCE NO. S-44-82

AN ORDINANCE approving a certain bid document for various aggregates for various city departments

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1015 dated January 26, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and the lowest bidder for various aggregates for various city departments, all as more particularly set forth in said bid document reference number 1015 which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-44-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-13

SPECIAL ORDINANCE NO. S-45-82

AN ORDINANCE approving a certain bid document
for the purchase of mower equipment for the Park
and Recreations Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1010 dated October 22, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Kut-Kwick Corporation and Summit Power Equipment for the purchase of (2) 48" Rotary Mower with Sulkey at a total approximate cost of \$5,470.00 all as more particularly set forth in said bid document reference number 1010 and Purchase Order Number A-14941 and (3) Riding Mowers at a total approximate cost of \$14,790.00, all as more particularly set forth in said bid document reference number 1010 and Purchase Order Number A-14940, all of which is on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-45-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-14

SPECIAL ORDINANCE NO. S-46-82

AN ORDINANCE approving a certain bid document
for the purchase of seven (7) greenhouses at
Lawton Park for the Parks and Recreations Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1011, dated November 12, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Silkworth Construction Company for seven (7) greenhouses at Lawton Park at a total approximate cost of \$174,390.00, all as more particularly set forth in said bid document reference number 1011 and Purchase Order Number A-14394, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage

and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-46-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-28

SPECIAL ORDINANCE NO. S-47-82

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
FIRST MORTGAGE REVENUE BOND
(HMS, INC. PROJECT)" AND APPROVING OTHER
ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the HMS, Inc. Project regarding the financing of proposed economic development facilities for HMS, Inc., and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on February 18, 1982, and also adopted a resolution on February 18, 1982, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for HMS, Inc. complies with the purposes and provisions of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies with the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creation or retention of a significant number of jobs;
- d. The project being financed would not be undertaken without tax exempt financing; and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture

of Trust, Guaranty Agreement of Harold M. Smith, Note, Series 1982 Bond, which documents provide for the possible issuance of additional bonds; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Indenture of Trust, approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, the loan of the proceeds of the revenue bond to HMS, Inc. for the acquisition and construction of such facilities and the equipping thereof, the guaranteeing of payments on the Note by Harold M. Smith, pursuant to the Guaranty Agreement, and the securing of said Bond by the mortgaging of the land and building included in the project to the City of Fort Wayne, and to Indiana Bank and Trust Company of Fort Wayne as Trustee, under the Loan Agreement, Mortgage and Indenture of Trust, which Loan Agreement, Mortgage and Indenture of Trust are assigned, transferred and pledged to the Trustee pursuant to the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs, and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Loan Agreement, Mortgage and Indenture of Trust, Guaranty Agreement of Harold M. Smith, Note, and Series 1982 Bond, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I. C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 4. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bond (HMS Inc. Project), in the total principal amount of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) and maturing eight (8) years and (1) month from the date of issuance, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Indenture of Trust, incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the note payments made by HMS, Inc. under the Loan Agreement, Mortgage and Indenture of Trust, and Note, and from the guarantee of Harold M. Smith under the Guaranty Agreement or as otherwise provided in the above described documents. The Bond is issued in a fully registered form in the principal sum of \$525,000.00, may be assigned and transferred pursuant to the Mortgage and Indenture of Trust; payments of principal and interest are payable in lawful money of the United States of America in immediately available funds to the Trustee; the bond is subject to redemption as approved in Article 3 of the Mortgage and Indenture of Trust. The bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 5. The substantially final forms of the Loan Agreement, Mortgage and Indenture of Trust, Note, and Series 1982 Bond, provide for the issuance of additional bonds in an amount approved by nationally recognized firm of bond counsel. The Common Council on December 9, 1981 adopted an Inducement Resolution for HMS, Inc. in the amount of \$800,000.00. The City of Fort Wayne hereby agrees to issue an additional \$275,000.00 of additional bonds without the necessity of HMS, Inc. seeking an additional inducement resolution. The additional bonds must, however, be approved by the Fort Wayne Economic Development Commission and this Common Council prior to the issuance of additional bonds.

SECTION 6. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum on the Bond of 12% (except in the event of a Determination of Taxability, as set forth in the Loan Agreement, Mortgage and Indenture of Trust), and at a price not less than 100% of the principal amount thereof.

SECTION 7. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk is authorized to arrange for delivery of such Bond to the Trustee named in the Trust Indenture, payment for the Bond will be made to the Trustee named in the Trust Indenture, and after such payment the Bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the Bond to the Trustee within ninety days of the adoption of this Ordinance. The Bond shall be dated as of the date of delivery.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the Bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond (HMS Inc., Project), and after the issuance of said Bond, this Ordinance shall not be repealed.

or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico, Bradbury
Nays: None
Absent: One
Nuckols

Date: 3-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-47-82 on the 9th day of March, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-15 (AS AMENDED)

RESOLUTION NO. R-10-82

AN AMENDED RESOLUTION FINDING,
DETERMINING AND RATIFYING AN INDUCEMENT
RESOLUTION OF THE FORT WAYNE ECONOMIC
DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE
AND SALE OF UP TO \$3,000,000 ECONOMIC
DEVELOPMENT REVENUE BONDS OF THE CITY OF
FORT WAYNE, INDIANA, FOR THE PURPOSE OF
INDUCING THE APPLICANT, CHILD WORLD, INC.,
AND/OR ITS ASSIGNEE, TO PROCEED WITH
ARRANGEMENTS FOR THE ACQUISITION,
CONSTRUCTION AND INSTALLATION OF THE
PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by Indiana Code 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and installation, including land, machinery and equipment and

WHEREAS, Child World, Inc., its successors, assigns or nominees (the "Applicant") has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer issue revenue bonds to provide financing pursuant to the Act for the acquisition, construction and installation, including land, machinery and equipment, by Applicant, a parent, subsidiary or affiliate thereof or a third party unrelated to Applicant, as may hereafter be determined by Applicant ("Borrower"), of real and personal property comprising a new commercial facility to be located within the boundaries of

the Issuer for use in the sale, warehousing and distribution of toys, juvenile furniture, recreational and sporting goods, wheel goods and other related items, accessories and supplies, and other compatible commercial uses (the "Project"), and issuance costs related thereto, the cost of which Project and issuance costs is now estimated not to exceed \$3,000,000; and

WHEREAS, Applicant has informed the Commission and the Issuer of the possibility or probability that Applicant's rights and obligations hereunder and under the Agreement hereinafter authorized may be assigned by Applicant to a parent, subsidiary or affiliate thereof or a third party unrelated to Applicant who would acquire, construct and install and own or lease the Project and lease or sublease all or a portion of the Project to Applicant; and

WHEREAS, Applicant and/or another Borrower will proceed with the acquisition, construction and installation of the Project and provide moneys for interim financing of such acquisition, construction and installation of the Project until the Commission and the Issuer can complete the necessary procedures to authorize the issuance of revenue bonds pursuant to the Act in aggregate principal amount now estimated not to exceed \$3,000,000 if the Issuer will agree to issue such revenue bonds; and

WHEREAS, the diversification of industry and an increase in approximately 13 full-time and 12 part-time permanent job opportunities to be achieved by the operation of the Project within the Issuer will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Commission, it appears that the financing of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens and the citizens of Allen County, Indiana; and

WHEREAS, the Project will not have an adverse effect on any similar facility already constructed or operating in the Issuer or Allen County, Indiana.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms that the diversification of industry and promotion of job opportunities in and near the Issuer and in Allen County, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds of the Issuer with the Act in an amount now estimated not to exceed \$3,000,000 for the acquisition, construction and installation, including land, machinery and equipment, of the project and the sale or leasing of the Project to the Borrower or the loan of the proceeds of such revenue bonds to the Borrower for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant and/or another Borrower to proceed with the acquisition, construction and installation of the Project and to provide funds to pay the cost of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will authorize and issue revenue bonds of the Issuer pursuant to the Act in aggregate principal amount now estimated not to exceed \$3,000,000, upon the terms provided in the form of Agreement attached hereto as Exhibit A, which is hereby and in all respects approved, and the Mayor is hereby authorized to execute such Agreement; (ii) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (iii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such actions as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement of or repayment to the Applicant and/or another Borrower of monies expended by them for planning, engineering, interest during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and installation of the Project, will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Borrower or loan the proceeds so such financing to the Borrower for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: one
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-10-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-27

RESOLUTION NO. R-11-82

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$1,800,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
KEYSTONE INVESTORS LIMITED
TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Keystone Investors Limited (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be purchase of land and building identified as Building 7 in amended application, completion of said building, purchase of land for two (2) new buildings, construction of (2) new buildings including fixtures and equipment, and refurbishment of entire area referred to as Keystone Industrial Park, for use as industrial, commercial or retail warehouses, said facilities to be located at Keystone Industrial Park, more particularly described as follows:

A part of the Northeast quarter of Section 23, Township 31 North, Range 12 East in Allen County, Indiana, more particularly described as follows: commencing at a point 1304.3 feet South of and 50 feet East of the Northwest corner of the Northeast quarter of said Section 23, said point being on the East right way line of the New York Central Railroad; thence East a distance of 645.52 feet to a point; thence South 0 degrees 06 minutes East a distance of 1347.46 feet to a point on the South line of said quarter section; thence West along said South quarter section line a distance of 647.6 feet to a point on the East right of way line of the New York Central Railroad; thence North along said East right of way line a distance of 1347.42 feet to the point of beginning, containing 20 acres, within the city limits of the City of Fort Wayne, Indiana,

(the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 2 job opportunities immediately and 50 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and

its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,800,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purpose will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
bradbury, Burns, Eisbart, GiaQuita, Nuckols, D.Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-11-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-11-36

DECLARATORY RESOLUTION NO. R-12-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 13, 1981, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to wit:

Lot 7 and 20 by 20 feet of Lot 8 in Charles Schmitz Subdivision of Lots 454, 455, and 456 in Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, and that part of 10 foot alley lying between Lot 7 and Lot 8; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above-described property is hereby designated and declared an "Urban Development Area" under 6-1.1-12.1, or under appropriate replacement statute.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-12-82 on the 9th day of March, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-01-02

DECLARATORY RESOLUTION NO. R-13-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under I.C.
6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated January 4, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

All lots number 717, 718, 719, part of Lot numbered 720, and the included alleys to be vacated of Hanna's Western Addition (Deed Book 95, Page 288) to the City of Fort Wayne, Indiana,

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-13-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-12-36

ZONING MAP ORDINANCE NO. Z-06-82

AN ORDINANCE AMENDING THE CITY OF FORT
WAYNE ZONING MAP NO. L-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lot 1 & 9 in St. Vincent Place Addition; Lot 1, 2, 3 & 4 in Schust's Addition, Lots 8, 9, 10 & 11 in Schusts Addition Extd.; LLot B-Lot 8 Wells Reserve, Space 40' x 136.3' between Cass and Wells Street; Space 88.6' x 136.3' North of South 42', Part of Lot 8, Wells Reserve,

and the symbols of the City of Fort Wayne Zoning Map No. L-14, referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-06-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4.00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-12-37

ZONING MAP ORDINANCE NO. Z-07-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. L-18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B district under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

The East 32.2 feet of the West 1/2 of the South 1/2 of Lot #6 in Pfeiffer's Amended Addition to the City of Fort Wayne, except that part thereof appropriated for an alley under Declaratory

Resolution #494 as shown in Plat Book No. 11, Page 69 of the Deed Records of Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. L-18, referred to therein established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-07-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-18

SPECIAL ORDINANCE NO. S-48-82

AN ORDINANCE approving a contract for Resolution Number 5923, between the City of Fort Wayne, Indiana and Hipkind Concrete Corp., for the construction of curbs and sidewalks on Cortland St.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 10, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corp., for:

the construction of curbs and sidewalks where needed on Cortland St., east and west sides from Putnam on the north to the alley on the south; and Short Street, east and west sides between Putnam and Huffman and Spring and Fifth,

under Board of Public Works Northwest Central, Phase V-B, Resolution 592381, at a total cost of \$26,761.25, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talairco

Nays: None

Absent: One

Nuckols

Date: '3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-48-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-19

SPECIAL ORDINANCE NO. S-49-82

AN ORDINANCE approving a contract for
Laraz Neighborhood, Phase IV - C, Resolution
Number 5925-81, between the City of Fort
Wayne, Indiana and Hipkind Concrete Corp.,
for the construction of a curbface walk on
East Woodland Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 10, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corp., for:

the construction of a 6' wide curbface walk on both sides of East Woodland Ave. from east property line of Warsaw to west property line of first alley east of Warsaw,

under Board of Public Works Larez Neighborhood, Phase IV-C, Resolution No. 5925-81, at a total cost of \$11,101.15, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-49-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-20

SPECIAL ORDINANCE NO. S-50-82

AN ORDINANCE approving a contract for
Water Resolution # 1024-81, between the
City of Fort Wayne, Indiana, and Scheidleman
Excavating, Inc., for a water main on Ludwig
Rd.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated February 3, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Scheidleman Excavating Inc., for:

the installation of a 12" water main
on the north side of Ludwig Road from
Sharon Drive westwardly 2130 ± feet to
east right of way of State Road #3,

under Board of Public Works Water Resolution #1024-81, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-50-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-21

SPECIAL ORDINANCE NO. S-51-82

AN ORDINANCE approving a contract for
Resolution Number 355-81, between the
City of Fort Wayne, Indiana and T. & G.
Excavating, Inc., for outfall structure repair

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T. & G. Excavating, Inc., for:

the repair of two existing outfall structures. Outfall structure A is located on the south bank of the Maumee River approximately 75 \pm feet north of and 140 \pm feet east of the center of the intersection of Berry Street and Monroe Street. The repair consists of the removal and replacement of the existing sheeting, removal and replacement of a portion of the undermined spillway, and the placement of rip rap at the base of the structure. Outfall structure B is located on the west bank of the St. Mary's River approximately 160 \pm feet east of and 80 \pm feet south of the center of the intersection of Brown Street and Electric Avenue. This structure is the outfall for an existing pumping station. The repair consists of the placing of sheeting at the existing east edge of the spillway, filling the undermined void area with grout and the placement of rip rap at the base of the structure,

under Board of Public Works Resolution Number 35581, at a total cost of \$72,891.33, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-51-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-22

SPECIAL ORDINANCE NO. S-52-82

AN ORDINANCE approving a contract for
Sewage Metering Facility, Resolution
354-81, between the City of Fort Wayne,
Indiana and Earth Construction & Engineering,
Inc., for construction of a metering device

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Earth Construction & Engineering, Inc., for:

the construction of a metering device at an existing structure located on the south side of Washington Boulevard and on the west side of the alley between Wabash Avenue and Glasgow Avenue; also, commencing at the 21 inch sewer pipe immediately south of said structure; thence south 20 \pm LF relocated connection of an 8 inch sewer pipe,

under Board of Public Works Resolution Number 354-81, at a total cost of \$12,735.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-52-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-02-23

SPECIAL ORDINANCE NO. S-53-82

AN ORDINANCE approving City Utilities
Purchase Order Nos. A-010840 with Rockwell
International and No. A-010841 with Badger
Meter, Inc., for water meters for the Water
Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Utilities Purchase Orders, numbered and listed below, dated February 16, 1982, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of water meters for the Water Maintenance and Service Department in the amount as hereafter set out, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>NUMBER</u>	<u>ITEM</u>	<u>COMPANY</u>
A-010840	Water Meters	Rockwell International
A-010841	Water Meters	Badger Meter Inc.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-53-82 on the 9th day of March, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BLL NO. S-82-02-24

SPECIAL ORDINANCE NO. S-54-82

AN ORDINANCE approving a certain bid
document for repair clamps for the
Water Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 635 dated December 25, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and the lowest bidder for each individual size repair clamps for the Water Maintenance and Service Department at the lowest price available at time of request, all as more particularly set forth in said bid document reference number 635, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-54-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-03-08

RESOLUTION NO. R-14-82

A congratulatory Resolution to
The Heritage Patriots

The Heritage Patriots returned home in triumph following their victory at the girls state basketball tournament at Market Square Arena, in Indianapolis, Indiana.

By their victory these young women proved that they are not only champions but also they exemplify the triumph of young people who truly believe in themselves and set their goals to accomplish that belief;

THEREFORE, BE IT RESOLVED that the Common Council of the City of Fort Wayne, Indiana,

does hereby congratulate The Heritage Patriots;

BE IT FURTHER RESOLVED that this Resolution be enrolled in the Journal of the Common Council Proceedings and that a copy hereof be sent to Heritage High School.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, DSchmidt, Schomburg, Stier, Talarico
Nays: None

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-14-82 on the 9th day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-01-12

SPECIAL ORDINANCE NO. S-41-82

AN ORDINANCE repealling Labor Grade 18 under Board of Public Safety (700) pertaining to Coordinator of Public Safety under Special Ordinance No. S-178-81 (as amended) and abolishing the position of Coordinator of Public Safety as heretofore provided in Special Ordinance No. S-93-81 (as amended)

WHEREAS, heretofore on April 20, 1981, there was created by Special Ordinance No. S9381 (as amended) the office of Coordinator of Public Safety; and,

WHEREAS, on July 30, 1981, the Common Council did pass Special Ordinance No. S-178-81 (as amended) which was approved and signed by the Mayor of the City of Fort Wayne, Indiana on August 3, 1981; and,

WHEREAS, Section 3 of said Ordinance provided that Labor Grade 18 was established for the Title of Coordinator of Public Safety; and,

WHEREAS, Section 1 of said Ordinance provided "that no change shall be made in any labor grade without the specific approval of the Common Council; and,

WHEREAS, said Special Ordinance No. S-93-81 (as amended) provided in Section 3 thereof that the duration of the position of Coordinator of Public Safety "shall be until December 31, 1981".

NOW THEREFORE, BE IT ORDAINED THAT:

Section 1. The Labor Grade of Coordinator of Public Safety is hereby abolished;

Section 2. The position of Coordinator of Public Safety is hereby abolished;

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Burns, Eisbart, Schmidt, Schomburg, Talarico
Nays: Three
Bradbury, GiaQuinta, Stier
Absent: One
Nuckols

Date: 3-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as
Special Ordinance No. S-41-82 on the 9th day of March, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

POCKET VETOED BY MAYOR MOSES ON MARCH 23, 1982

BILL NO. S-82-01-12

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE repealling Labor
Grade 18 under Board of Public
Safety (700) pertaining to
Coordinator of Public Safety
under Special Ordinance No.
S-178-81 (as amended) and abolishing the
position of Coordinator of
Public Safety as heretofore
provided in Special Ordinance
No. S-93-81 (as amended)

WHEREAS, heretofore on April 20, 1981, there was created by Special Ordinance No. S9381 (as amended) the office of Coordinator of Public Safety; and,

WHEREAS, on July 30, 1981, the Common Council did pass Special Ordinance No. S-178-81 (as amended) which was approved and signed by the Mayor of the City of Fort Wayne, Indiana on August 3, 1981; and,

WHEREAS, Section 3 of said Ordinance provided that Labor Grade 18 was established for the Title of Coordinator of Public Safety; and,

WHEREAS, Section 1 of said Ordinance provided "that no change shall be made in any labor grade without the specific approval of the Common Council;" and,

WHEREAS, said Special Ordinance No. S-93-81 (as amended) provided in Section 3 thereof that the duration of the position of Coordinator of Public Safety "shall be until December 31, 1981".

NOW THEREFORE, BE IT ORDAINED THAT:

Section 1. The Labor Grade of Coordinator of Public Safety is hereby abolished;

Section 2. The position of Coordinator of Public Safety is hereby abolished;

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

MAYOR'S VETO OF ORDINANCE NO. S-82-01-12, WAS PRESENTED TO THE COMMON COUNCIL FOR CONSIDERATION BY GiaQUINTA AND SECONDED BY STIER. ORDINANCE LOST BY A 5 AYE, 3 NAY AND 1 ABSENT VOTE. THEREFORE THE VETO WAS UPHELD BECAUSE THE LARK OF A 2/3 VOTE.

BILL NO. S-82-03-01

SPECIAL ORDINANCE NO. S-55-82

AN ORDINANCE approving Civil City
Purchase Order No. A-15253 with
International Salt Company for
450 tons Southern White Rock Salt
for the Aviation Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-15253 dated February 11, 1982, between the City of Fort Wayne, Indiana by and through the City Purchasing Director and the Borad of Public Works and International Salt Company for approximately 450 tons of Southern White Rock Salt for the Aviation Department, at a cost of approximately 450 tons at 29.76 per ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-55-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-03-02

RESOLUTION NO. R-18-82

RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$1,000,000 ECONOMIC REVENUE BONDS
OF THE CITY OF FORT WAYNE, INDIANA, FOR
THE PURPOSE OF INDUCING THE APPLICANT,
SCOTT'S FOOD STORES, INC. TO PROCEED
WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Scott's Food Stores, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be machinery, equipment and leasehold improvements including refrigeration cases and coolers, shelving and fixtures, food preparation equipment, and checkout counter systems to be installed and located in a 75,000 square foot addition to an existing retail grocery supermarket located at 4120 North Clinton in the City of Fort Wayne, Indiana, located on a 10.83 acre plot of land (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 50 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid

financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resoltuion, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-18-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-01-18

GENERAL ORDINANCE NO. G-04-82

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of a
certain easement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following easement, to-wit:

The west one (1) foot of a seven (7) foot utility easement located on and along the east property line of lot number six (6) of Breconshire, Section one (1) and beginning at

a point thirty (30) feet north of the Breconshire Drive north right-of-way line as measured along the west edge of the existing subject easement, and extending northward on and along the west edge of the existing subject easement for a distance of fifty (50) feet.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-12-35

ZONING MAP ORDINANCE NO. Z-08-82

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-1 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Rockhills 2nd Addition Lots 25, 26, 28 thru 46; 48 thru 63; 70 thru 82 and 86 thru 94; the vacated section of Huron Street west of Mechanic; Fishers Subdivision of Butcher's Addition Lot 1 thru 3; Butchers Addition 2 thru 6, Nebraska Neighborhood's eastern peninsula exclusive of publicly owned land,

and the symbols of the City of Fort Wayne Zoning Map No. K6 referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 3-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-08-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-82-03-14

RESOLUTION NO. R-16-82

RESOLUTION of the Council of the City of
 Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne is in a state of emergency due to extreme flooding.

WHEREAS, Public Law 99, 84th Congress, as amended, (33 U.S. Code, Section 701 n) provides a means of preparing for and combating damage by floods and water; and

WHEREAS, the City of Fort Wayne has exhausted all resources available to it for flood emergency preparation and flood fighting and rescue operations; and

WHEREAS, on the date of this Resolution emergency flood preparation is needed and assistance required for this purpose as well as for flood fighting and rescue operations; and

NOW, THEREFORE, BE IT RESOLVED That the U.S. Army Corps of Engineers be, and is hereby requested to furnish assistance in flood emergency preparation and in flood fighting and rescue operations.

- a. Provide without cost to the United States all lands, easements and rights-of-way for the emergency work, including, but not limited to levee, borrow, spoil and access rights-of-way.
- b. Hold and save the United States free from all claims for damages attributable to the construction works except for damages due to the fault or negligence of the United States or its Contractors.
- c. Operate and maintain the emergency construction works for the duration of the flood emergency.
- d. Provide as required under the applicable provisions of Public Law 91-646 relocation assistance payments to those eligible because of dwellings, arms or businesses due to the acquisition of rights-of-way for the emergency flood construction work.
- e. Remove after the flood emergency without cost to the U.S. Army Corps of Engineers any temporary emergency works constructed for the flood emergency.

BE IT FURTHER RESOLVED That the Mayor of the City of Fort Wayne, Indiana be authorized to enter into agreements with the Corps of Engineers as to the means of supplementing the local flood emergency preparation and flood fighting and rescue operations.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-16-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-03-15

RESOLUTION NO. R-15-82

AN EMERGENCY RESOLUTION extending the Declaration of Local Emergency

WITNESSETH:

WHEREAS, the City of Fort Wayne, Indiana, is in the midst of a disaster caused by flooding which has damaged the property of the citizens of Fort Wayne, and furthermore, said flood disaster continues to threaten the person and property of the citizens of Fort Wayne;

WHEREAS, the President of the United States and the Governor of the State of Indiana, respectively have declared Fort Wayne, Indiana, to be a disaster area for purposes of eligibility as to federal and state aid and assistance;

WHEREAS, the Mayor has, previously, pursuant to I.C. 10-4-1-23, declared and ordered Fort Wayne to be in a state of local emergency;

WHEREAS, for the benefit and well-being, safety, health, and protection of the person and property of the citizens of Fort Wayne, Indiana, it is necessary to extend the declaration of Local Emergency beyond the seven days as provided by law.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: The Common Council does hereby resolve, in conjunction with the Mayor, and by such Resolution does hereby extend the Declaration of Local Emergency, as previously declared, for an additional period of thirty days from the passage hereof and approval by the Mayor, unless such emergency

is sooner cancelled by the order of the Mayor or by majority vote of the Common Council; provided, however, that such emergency may be extended for a like period of thirty days upon Resolution of the Common Council.

SECTION 2: The Administration agrees as part of the continued proper and prompt handling of the flood emergency, flood control, and the prevention of flooding and the subsequent clean-up, repair, and rehabilitation caused by said flood disaster, to document all expenses generated by the flood disaster and its aftermath so that Council may be kept abreast of same and furthermore, such documentation shall be used for purposes of reimbursement to the City of Fort Wayne, Indiana, from the federal and state governments and their corresponding agencies.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-15-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-03-05

SPECIAL ORDINANCE NO. S-56-82

AN ORDINANCE approving Change Order
No. 2 Revised for 310-80, Phase III, St. Joe
Interconnect Interceptor, Federal Grant No.
C-180599-06 in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for 310-80, Phase III, St. Joe Interconnect Interceptor, Federal Grant No. C-180-59906, to Joe R. Norman Contractors, Inc., in connection with the Board of Public Works, for:

the correction of a mathematical error
in Change Order #2. The amounts listed
on the attachment to Change Order #2 were
totaled incorrectly,

the revised increase is in the amount of \$88,822.50, as set out in the specifications, which are on file in

the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-56-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-03-06

SPECIAL ORDINANCE NO. S-57-82

AN ORDINANCE approving Change Order No. 1, Revised, for 336-80, Trier Pump Station, Federal Grant No. C-180599-08 in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Revised, for 33680, Federal Grant No. C-180599-08, to John Dehner, Inc., in connection with the Board of Public Works, for:

the correction of mathematical error
in Change Order #1. Item #6 on Change
Order #1 should have read \$7,488.00
instead of \$3,744.00.

in the amount of \$27,140.35, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 3-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-57-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-03-07

SPECIAL ORDINANCE NO. S-58-82

AN ORDINANCE approving Change Order No. 1
 AWT - Phases A,B,C; EPA project, Federal
 Grant No. C-180774-03 in connection with the
 Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, AWT Phases A,B, & C; EPA Project, Federal Grant No. C180774-03 to Hagerman & Shambaugh, joint bidders, in connection with the Board of Public Works, for:

the revision of Item 1 - the 42 inch sludge holding tank effluent line; Item 2 - the five new secondary clarifier tanks; and Item 3 - the pond sludge pumping station hoisting system,

in the amount of \$18,723.00 to be deducted from Item 1; and \$25,800.00 to be deducted from Item 2; and \$142.00 to be added to Item 3, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-58-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-03-09 (AS AMENDED)

RESOLUTION NO. R-17-82

A RESOLUTION regarding rate increases
to Fort Wayne Cable Vision
and imposing conditions thereon

WHEREAS, Fort Wayne Cable Vision has requested a rate increase as follows:

First Outlet
Additional Outlets(s)

FROM \$7.00 per month TO \$8.50 per month
with converter
FROM \$3.00 each per moth TO \$4.00 per
month

and,

WHEREAS, the Common Council has duly considered such request and desires to grant same on conditions as hereafter set forth.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. The requested basic rates increase:

First Outlet
Additional Outlet(s)

FROM \$7.00 per month TO \$8.50 per month
with converter
FROM \$3.00 each per month TO \$4.00 each
per month

shall hereby be granted.

Section 2 This resolution shall be in full force and effect from and after its passage and approval by the Mayor of the City of Fort Wayne, Indiana.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: Two
Bradbury, Burns
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-17-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-81-12-25

ANNEXATION ORDINANCE NO. X-01-82

AN ORDINANCE annexing certain territory commonly known as Orchard Woods Annexation to Fort Wayne, and including the same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of S1/2 of Section 12, Township 31 North, Range 12 East; also part of N1/2 of Section 13, Township 31 North, Range 12 East; also part of W 1/2 of Section 7, Township 31 North, Range 13 East; of W1/2 of Section 18, Township 31 North, Range 13 East;

To Wit:

Beginning at the NE corner of Lot #11 in Springwood Addition, Section I; thence south a distance of 637.4 feet along the east line of Lots 11-20, all inclusive, in Springwood Addition, Section I; thence east a distance of 575.2 feet along the north line of Lots 22-30, all inclusive, in Springwood Addition, Section I, thence south along the east line of Lot 30 in Springwood Addition, Section I, a distance 57.5 feet to a point; thence east on a line 600 feet north of and parallel with the south line of A.F. Smith's Subdivision to its intersection with the southeast right-of-way line of Interstate Road #69, thence northeasterly along the southeast right-of-way line of said Road to its intersection with the west right-of-way of Auburn Road to the north right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to a point located 506.8 feet west of the SE corner of the SW1/2 of Section 12, Township 31 North, Range 12 East; thence south to the south right-of-way line of Cook Road; thence west to the point of beginning. Area contains 75 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year from the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to area within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described

territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article 11 of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. This Ordinance shall be in full force and effect after its passsge, approval by the Mayor and final publication thereof as required by law.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-01-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-81-12-26

RESOLUTION NO. R-19-82

A RESOLUTION of the Common Council setting forth
the policy of the City in regard to the annexation
of the Orchard Woods Annexation Area

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas; and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Orchard Woods Annexation Area, more specifically described to-wit:

Part of S1/2 of Section 12, Township 31 North, Range 12 East; also part of N1/2 of Section 13, Township 31 North, Range 12 East; also part of W1/2 of Section 7, Township 31 North, Range 13 East; and part of W1/2 of Section 18, Township 31 North, Range 13 East;

To Wit:

Beginning at the NE corner of Lot #11 in Springwood Addition, Section 1; thence south a distance 637.4 feet along the east line of Lots 11-20, all inclusive, in Springwood Addition, Section 1, thence east a distance of 575.2 feet along the north line of Lots 22-30, all inclusive, in Springwood Addition, Section 1; thence south along the east line of Lot 30 in Springwood

Addition, Section I, a distance of 57.5 feet to a point; thence east on a line 600 feet north of and parallel with the south line of A.F. Smith's Subdivision to its intersection with the Southeast right-of-way line of Interstate Road #69, thence Northeasterly along the southeast right-of-way line of said Road to its intersection with the west right-of-way of Auburn Road; thence northwesterly along the west right-of-way of Auburn Road to the north right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to a point located 506.8 feet west of the SE corner of the SE1/4 of Section 12, Township 3 North, Range 12 East; thence south to the south right-of-way line of Cook Road; thence west to the point of beginning. Area contains 75 acres, more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

1. That in the case of the Orchard Wood annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of non-capital and capital services to the annexation area.

2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning which is attached hereto and incorporated herein.

3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three(3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

4. Said Plan is hereby approved and adopted by the Common Council and shall be in full force upon the effective date of Orchard Woods annexation ordinance.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Bradbury, , seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 3-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. R-19-82 on the 23rd day of March, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of March, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-03-10

SPECIAL ORDINANCE NO. S-60-82

AN ORDINANCE approving Civil City Purchase Order No. A-15942 with Baltimore Paint and Chemical Company for traffic paint for the Traffic Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-15942, dated March 10, 1982, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Baltimore Paint and Chemical Company, for the purchase of traffic paint to be used for the 1982 city street painting program to be used in the Traffic Engineering Department, at a cost of \$3.97 per gallon; total costs of \$34,306.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-60-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-04-13

RESOLUTION NO. R-22-82

A RESOLUTION authorizing the temporary advancement of funds from the Electric Utility Fund, Revneue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund to the General Fund for the period ending December 31, 1982

WHEREAS, it has become necessary to borrow money to enhance the depleted General Fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to transfer the sum of \$8,600,000.00 to the General Fund from the following funds if and when needed:

Electric Utility Fund	\$3,500,000.00
Revenue Sharing Trust Fund	\$2,000,000.00
Motor Vehicle Highway Fund	\$1,500,000.00
Local Road and Street Fund	\$1,600,000.00
	<hr/>
Total of transfer	\$8,600,000.00

which said sum shall be returned and repaid to the aforementioned funds on or before December 31, 1982.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-22-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-03-04

SPECIAL ORDINANCE NO. S-59-82

AN ORDINANCE amending certain sections of
the Municipal Code of the City of Fort Wayne,
Indiana relative to traffic violations

WHEREAS, the City Traffic Engineering has conducted an engineering study and investigation as to the establishment and regulation of speed limits for vehicles on public streets and highways within the City of Fort Wayne, Indiana;

WHEREAS, it would be and is in the best interest of the City of Fort Wayne to re-codify its Ordinances dealing with corporate jurisdictional limits of the City of Fort Wayne.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. This Ordinance is made pursuant to the general corporate powers of the City of Fort Wayne including I.C. 36-1-4-11; I.C. 36-1-38; I.C. 36-1-6-3 and I.C. 9-4-1; etc.

SECTION 2. Section 17-38 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended and repealed by replacing therewith the following:

"The laws of the State of Indiana establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the City of Fort Wayne, Indiana, except in the circumstances where, as properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an engineering and traffic investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances, it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof."

An alphabetical listing of each city street, highway, or portion thereof, upon which the speed limit has been increased or decreased by local authorities of the City of Fort Wayne, as herein authorized, shall be compiled by the City Traffic Engineer and shall be known as the "Fort Wayne Speed Limits", and shall be forwarded to the City Clerk of the City of Fort Wayne, who shall make such listing available for public inspection. All changes in such listing by the City Traffic Engineer or other local authority as herein authorized shall be promptly attached to such listing by the City Clerk. For convenience purposes, the City Clerk may forward a certified copy of such listing, and any subsequent changes, to the court that hears and/or adjudicates violations of local speeding ordinances."

SECTION 3. Section 17-6 of the Municipal Code of The City of Fort Wayne, Indiana is hereby amended by eliminating the language "A fine of not more than \$100.00," and replacing therewith the following: "A fine of not more than \$1,000.00."

SECTION 4. That this Ordinance shall be effective upon passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, S.S. 11
Special Ordinance No. S-59-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-14

SPECIAL ORDINANCE NO. S-61-82

AN ORDINANCE extending the time to apply
for pet owner permits

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has previously adopted an Ordinance noted as G-14-81 with respect to animal control care and disposition;

WHEREAS, Section 6-16 (2) of said Ordinance indicates that applications for said permit may be made from February 1 through April 30, may be made without penalty.

WHEREAS, it is necessary to extend said period through May 31, 1982.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 6-16 (2) of said Ordinance G-14-81 is hereby amended to allow for application for permits without penalty from February 1, 1982. In subsequent years the application period shall remain February 1 through April 30.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-61-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

NO. Z-81-09-07 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-09-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 1-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Part of Third Commerical Addition, as recorded in Plat
Book 4, page 48, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Lot #413 through Lot #425 inclusive in Third Commercial Addition, together with the vacated alley lying North of and adjacent to Lot #413 through Lot #425 in Third Commercial Addition, together with Lot #468 through Lot #456 inclusive in Third Commerical Addition, together with vacated Beadell Street lying north of and adjacent to Lot #468 through Lot #456 inclusive, together with Lot #469 through Lot #481 inclusive in Third Commerical Addition, together with 12 feet vacated alley lying North of and adjacent to Lot #469 through Lot #481 inclusive, together with Lot #516 through Lot #504 inclusive in Third Commercial Addition, together with the South half of vacated Graeter Street lying North of and adjacent to Lots #516 through Lot #504, together with Lot #517 through Lot #521 inclusive and the West 20 feet of Lot #522 in Third Commercial Addition, together with the North half of vacated Graeter Street lying South of and adjacent to Lot #517 through Lot #521 and the West 20 feet of Lot #522 in Third Commercial Addition, together with part of Lot "E" in Third Commerical Addition more particularly described as follows:

Beginning at a point on the South line of Lot "E" in Third Commerical Addition, said point being the intersection of the North right-of-way line of Taylor Street and the East right-of-way line of Freeman Street; thence East along the South line of Lot "E" a distance of 545 feet to a point on the West right-of-way line of Morris Street; thence North along the West right-of-way line of Morris Street a distance of 1218 feet; thence West and parallel to the South line of Lot "E" a distance of 369.6 feet; thence West on a curve to the left having a radius of 666.2 feet a distance of 177.67 feet to a point on the East right-of-way line of Freeman Street; thence South along the East right-of-way line of Freeman Street a distance of 1194.45 feet to the point of beginning, excepting therefrom a part of Lot "E" in Third Commercial Addition described as follows:

Beginning at a point on the South line of Lot "E" in Third Commerical Addition where said line intersects the West line of Morris Street; thence North along the West line of Morris Street a distance of 400 feet; thence West parallel to the North line of Taylor street, a distance of 345 feet; thence South parallel to the West line of Morris Street 118 feet; thence West and parallel to the North right-of-way line of Taylor Street to the East right-of-way line of Freeman Street as established by Street Widening as recorded in Plat Book 16, page 5 in the Allen County Recorder's Office; thence South along said East right-of-way line a distance of 292 feet to the North right-of-way line of Taylor Street; thence East along said right-of-way line a distance of 545 feet to the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. 1-2, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GalQuinta, F.Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-09-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-01-17

ZONING MAP ORDINANCE NO. Z-10-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. N-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

The north 75' of the east half of
Lot #21 and the south 75' of the
east half of Lot #21 in Eliza Hanna's
Sr.'s Addition,

and the symbols of the City of Fort Wayne Zoning Map No. N-2, referred to therein established by Section 33-11 of said chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico
Nays: One
Stier
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-10-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-34

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-1 - Light Industrial under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots #8, #9, #10 in College Addition to the City of Fort Wayne, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. 0-6, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None
Nays: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Absent: ONE
Nuckols

Date: 4-13-82
Charles W. Westerman
City Clerk

BILL NO. G-82-03-13

GENERAL ORDINANCE NO. G-05-82

AN ORDINANCE amending certain Sections of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 5, Section 49 "Intersections Where Stop Required", by adding the following:

STOP INTERSECTION

ARCHER AVE.	stop for Poinsette Dr.
FOX AVE.	stop for Home Ave.
OSWEGO AVE.	stop for Vance Ave.
TILDEN AVE.	stop for Delta Blvd.

SECTION 2. That Schedule 7, Section 90 "Parking Prohibited at All Times on Certain Streets", by adding the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Edsall Ave.	E/S	Maumee Ave.	320 ft. north thereof

SECTION 3. That Schedule 10 Section 93 (a) "Parking Time Limited on Certain Streets", 1-Hour Parking 8 a.m. to 6 p.m. by adding the following:

<u>ONE HOUR PARKING 8 a.m. to 6 p.m.</u>		<u>FROM</u>	<u>TO</u>
<u>STREET</u>	<u>SIDE</u>		
Ross St.	E/S	Superior St.	70 ft. north thereof

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-05-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-16

DECLARATORY RESOLUTION NO. R-20-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under I.C.
6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated February 8, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1, to-wit:

Lots Numbered 1, 2, 1, 4, 5, 6, 7 John H. Bass Subdivision of Lot Number 86 Original Plat to the town, now City of Fort Wayne, except such part thereof appropriated for the widening of Clinton Street,

located at and commonly known as:

701 South Clinton Street, Fort Wayne, Indiana; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property

is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974.

(b) Final confirmation hereof be due passage upon the final vote hereon.

SECTION 3. That the RESolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-20-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-04-

RESOLUTION NO. R-21-82

A RESOLUTION commending the people of
Fort Wayne, Indiana, and environs for their
courage and unselfishness in this recent
flood disaster

The people of the City of Fort Wayne, Indiana, and surrounding areas suffered severe economic loss as the result of the economic recession and severe unemployment following it. As a result, there was developed a slogan, "Fort Wayne We are Proud Of You".

On Saturday, March 13, 1982, a great disaster struck the city. A flood moved in on the city causing severe damage to homes, businesses and public property.

The City Administration had done extensive planning, preliminary work and preparations long prior to the flood, but when the flood waters came, Fort Wayne quickly found that its greatest resource was its people. The courage, and unselfishness, particularly of the young people, evidenced itself by their spontaneous response. Young people, middleaged people and elderly people gave of their time and efforts to be of assistance whenever and wherever directed in battling the advancing flood waters. Churches, schools, charitable and public agencies sprang into action to meet the needs of the homeless and oppressed. Through courage, unselfish effort and indomitable will they put together a team that defeated the flood and prevented a catastrophe. They proved that Fort Wayne is a great city because its greatest resource is its people.

BE IT THEREFORE RESOLVED, that all of those who participated in the combat against the flood - the youth, the middleaged, the old people, industry, business, churches, schools and private and public charitable organizations and the City Administration - be commended for their unselfishness and courage in this crisis.

BE IT FURTHER RESOLVED, "Fort Wayne We Are Proud of You".

Samuel J. Talarico
President of Common Council

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-21-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-04-22

RESOLUTION NO. R-23-82

A RESOLUTION in support of the
Fort Wayne Hunger March

WHEREAS, We Americans, living in a nation that produces and consumes the largest share of the world's resources, recognize our moral responsibility to seek an end to the existence of hunger, malnutrition, overpopulation and poverty around the globe and in the community; and,

WHEREAS, about 24,000 people in the Fort Wayne community are living under poverty conditions; and,

WHEREAS, about 21,000,000 Americans cannot support themselves, and,

WHEREAS, the Fort Wayne Hunger Walk Committee believes that the solution to these problems can be found only when there is widespread local concern for human development brought about by thousands of individuals educated in the issue affecting the future of the human race; and,

WHEREAS, in order to educate the community and raise funds for domestic and international projects to fight hunger and poverty A Hunger Walk will be held on May 1, 1982, in the Fort Wayne area, and,

WHEREAS, the Hunger Walk will support a variety of domestic and foreign projects against hunger and poverty administered by such qualified and experienced organizations as Care, FAO, Peace Corps, Church World Service and other.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne:

That all citizens be urged to support the Fort Wayne Hunger Walk by sponsoring marchers or by marching in the Walk to be held on May 1, 1982; and,

BE IT FURTHER RESOLVED: The Common Council of the City of Fort Wayne, Indiana acknowledges the efforts of young Fort Wayne citizens to deal with hunger as the most pressing issue of the century and supports the projects known as the Fort Wayne Hunger Walk as a means of reaching the goal of wiping out world hunger.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Abstained: Schmidt
Absent: One
Nuckols

Date: 4-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-23-82 on the 13th day of April, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-01

SPECIAL ORDINANCE NO. S-62-82

AN ORDINANCE PROVIDING FOR THE ISSUANCE
OF \$3,100,000 OF MUNICIPAL BONDS OF 1982
BY THE CITY OF FORT WAYNE, INDIANA FOR THE
PURPOSE OF STREET IMPROVEMENTS

WHEREAS, an appropriate petition bearing the requisite number of valid signatures will be filed with this council; and

WHEREAS, consistent with the circulation of said petition, the council has considered said request to authorize the hereinafter described general obligation bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE (herein the "Municipality"), County of Allen, Indiana;

SECTION 1. That it is hereby decided that it is necessary to issue bonds of the Municipality in the principal sum of \$3,100,000 for the purpose of providing necessary funds to repair and reconstruct certain streets and thoroughfares in said Municipality, to allow the matching of certain federal grants made to said Municipality as a result of damage from flood waters and to provide funds for appurtenances to said streets and thoroughfares such as curbs, gutters, sidewalks and streetlighting, together with incidental expenses in connection therewith and with the issuance of said bonds.

SECTION 2. That bonds of the Municipality shall be issued in said principal sum for the purpose aforesaid. Said bonds shall be of the denomination of \$5,000 each, shall be numbers from 1 to 620, both inclusive, shall be dated as of the 1st day of the month in which the bonds are sold, and bear interest at a rate or rates not exceeding thirteen per centum (13%) per annum (the exact rate or rates to be determined

by bidding), payable semiannually on January 1 and July 1 of each year, beginning January 1, 1983, until the principal sum is paid, as evidenced by coupons to be attached to said bonds. Said bonds shall mature on January 1 of each year as follows:

<u>Date</u>	<u>Amount</u>
1983	\$60,000
1984	60,000
1985	70,000
1986	80,000
1987	90,000
1988	100,000
1989	110,000
1990	125,000
1991	365,000
1992	410,000
1993	465,000
1994	525,000
1995	640,000

The principal and interest on said bonds shall be payable in lawful money of the United States of America at the principal office of Fort Wayne National Bank, Fort Wayne, Indiana, or, at the option of the holder, at Merchants National Bank & Trust Company of Indianapolis, Indianapolis, Indiana or Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois.

SECTION 3. That said bonds shall be designated "Municipal Bonds of 1982" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance. Said bonds shall be executed by the facsimile signature of the Mayor and the seal of the City Controller shall be affixed thereto and attested by the City Controller. The interest coupons attached thereto shall be executed by placing thereon the facsimile signatures of the Mayor and City Controller, and said officials, by the execution of said bonds, shall adopt as and for their proper signatures their facsimile signatures appearing on said bonds.

SECTION 4. That the said bonds shall be advertised for public sale and sold in the manner provided by law. The proceeds from the sale of said bonds, except any premium or accrued interest received, shall be paid into the proper fund and used for the purpose aforesaid and for no other use. The premium and accrued interest, if any, shall be applied to the payment of the principal of and interest on said bonds in the manner provided by law.

SECTION 5. That said bonds shall be the full general obligations of the Municipality and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. That during the period said bonds are to run, there shall be and is hereby levied on all the taxable property in the Municipality, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on said bonds when and as the same fall due.

Said tax shall be and is hereby ordered levied and collected by the same officers in the same manner, and at the same time that taxes for general purposes for each of said years are collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said bonds when and as the same fall due.

SECTION 6. That notice of the petition to be filed with this council shall be given by posting in three public places in the Municipality and by publication one time in two newspapers which represent different political parties and are published in the Municipality, or one newspaper if it is the only newspaper published in the Municipality. Within thirty (30) days after the notice is given, the owners of real property subject to taxation by the Municipality may file a remonstrance or remonstrances with this council. Each remonstrance must be verified and have a certificate attached to it in the same manner that a petition must be verified and have a certificate attached to it under Indiana Code 6-1.1-20-3.

SECTION 7. That notice of this decision to issue the bonds herein authorized shall also be given by posting and by publication once each week for two weeks in the manner prescribed in SECTION 6, above.

SECTION 8. That application shall be made on behalf of the Municipality to the state Board of Tax Commissioners for approval of the bond issue authorized hereby.

SECTION 9. That this council, for and on behalf of the Municipality hereby covenants that it will restrict the use of the proceeds of the bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Section 103(c) (formerly Section 103(d) of the Internal Revenue Code and the regulations prescribed thereunder. The Mayor or any other officer having responsibility

with respect to the issuance of said bonds is authorized and directed to give an appropriate certificate on behalf of the Municipality on the date of delivery of said bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 103(c) and regulations thereunder.

SECTION 10. It is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 5-14-1.5-1 et seq. of the Indiana Code.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Tlarico
Nays: None
Absent: One
Nuckols

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-62-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-

SPECIAL ORDINANCE NO. S-63-82

AN ORDINANCE approving a certain bid document
for the purchase of batteries needed throughout the
year in various departments

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1020 dated February 8, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Taylor, Blackburn & Joy for batteries as they are needed throughout the year in various departments at a total approximate cost as set out more particularly in said bid document reference number 1020, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico
Nays: None
Absent: Two
Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-63-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-10

SPECIAL ORDINANCE NO. S-64-82

AN ORDINANCE ratifying bids and tentatively
awarding contracts of the City of Fort Wayne
Park District 1981 General Obligation Bond Issue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That certain bids between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Park Commissioners and various contractors for:

the development of a new park, demolition
of buildings, rehabilitation of aging
park facilities and Rivergreenway development,

to the lowest and best bids subject to the sale of the bonds, all of which are on file in the office of the Department of Purchasing are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved. A listing of said bids is attached hereto, as a part hereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-64-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11, 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-11

SPECIAL ORDINANCE NO. S-65-82

AN ORDINANCE approving a certain bid
document for the purchase of tires for
the Board of Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1019 dated February 28, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and McMahon Tire for the purchase of various sizes of tubs and tires at a total approximate cost as more particularly set forth in said bid document reference number 1019 and all of which is on file in the Office of the Department of Purchasing is by reference incorporated herein, made a part hereof and is in all things ratified, confirmed and approved. A listing of said bids is attached hereto, as a part hereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico
Nays: None
Absent: Two
Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-65-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11, 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-12

SPECIAL ORDINANCE NO. S-66-82

AN ORDINANCE approving a certain bid document for the purchase of turf fertilizer and turf fertilizer with herbicide for the Parks and Recreations Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1018 dated February 4, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Turf Specialties, Corp., and The Plantation Supply Co., Inc., for turf fertilizer: 27 tons of Homogenous Type Fairway Turf Fertilizer (18-5-9) with Specialties Corp. at a total approximate cost of \$9,936.00, and for 8 tons of Homogenous Type Fairway Turf Fertilizer with Herbicide (15-5-7) with The Plantation Supply Co., Inc., at a total approximate cost of \$4,480.00, all as more particularly set forth in said bid document reference number 1018 and Purchase Order Numbers A-16337 and A-16338, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, and made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-66-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-15

SPECIAL ORDINANCE NO. S-67-82

AN ORDINANCE establishing and authorizing user fees with respect to the Humane Shelter

WITNESSETH

WHEREAS, the Board of Humane Commissioners has authorized the establishment of user fees with respect to certain activities of the Fort Wayne Humane Shelter;

WHEREAS, such user fees are reasonably related to the governmental services as provided by the Humane Shelter.

WHEREAS, such user fees would assist in defraying cost as provided to the public by the Humane Shelter.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following user fees are hereby used with respect to the activities of the Humane Shelter as designated herein.

A. Bite confinement: (board and care of quarantine required by State Law.) - \$40.00.

B. Shipment cost of bite specimen to Indianapolis - \$3.00

C. Requested (by owner) euthanasia - \$5.00

D. Animal pick up charge for owners who request shelter to pick up their animal - \$5.00.

E. Boarding: \$5.00 per day after owners are notified that their animal is at the Shelter and have been given a time to appear to reclaim animal.

SECTION 2. The money to be charged herein shall be collected by an appropriate employee of the Humane Shelter as determined by its director and shall be remitted to the Controller of the City of Fort Wayne for placement in general fund at intervals deemed appropriate by said Controller.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico
Nays: None
Absent: Two
Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as special Ordinance No. S-67-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-0403

RESOLUTION NO. R-24-82

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$2,500,000 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT,
HEALTH CARE FUND TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "User") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Health Care Fund (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development financing to the Applicant for the same, said economic development facility to be acquisition and construction of a 62 unit retirement center consisting of 41,348 sq. ft. and containing 28 one bedroom units and 34 efficiency units plus central dining, kitchen, lounges and recreation areas, located at 7411 Winchester Road, outside the city limits of Fort Wayne, in Allen County, Indiana, including the costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 12 job opportunities immediately and 18 job opportunities within 3 years thereafter, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and that Applicant; and (ii) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schmoburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-24-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Winifred Loses, Jr.
Mayor

BILL NO. R-82-04-04

RESOLUTION NO. R-25-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,300,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, LAKE AVENUE PHYSICIANS, AND INDIANA GENERAL PARTNERSHIP TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Lake Avenue Physicians, an Indiana General Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be purchase of real estate, construction of four buildings totaling 14,500 sq. ft., engineering, accounting, legal and other costs of issue, for construction of medical office buildings, located at 2708 Lake Avenue, Fort Wayne, Indiana, 46805 (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 13 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,300,000 of the Issuer under the Act for the acquisition,

construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-25-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-04-06

RESOLUTION NO. R-26-82

SUPPLEMENTARY INDUCEMENT RESOLUTION FINDING,
DETERMINING, RATIFYING AND CONFIRMING A
SUPPLEMENTARY INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION:
APPROVING THE ASSIGNMENT OF THE RIGHTS AND
OBLIGATIONS OF CHILD WORLD, INC. UNDER
RESOLUTION NO. R-10-82 AND THE RELATED
INDUCEMENT AGREEMENT TO ANTHONY A.
PETRARCA; AND APPROVING THE RELEASE OF
OF CHILD WORLD FROM ANY FURTHER
LIABILITY WITH RESPECT THERETO OR TO THE
TRANSACTIONS CONTEMPLATED THEREBY

WHEREAS, the Fort Wayne Economic Development Commission (the "Commission"), pursuant to Section 36-7-12-1, et seq. of the Indiana Code (the "Act"), on March 4, 1982 duly adopted an amended and restated inducement resolution (the "Commission's Inducement Resolution") with respect to the issuance

of economic development revenue bonds pursuant to the Act by the City of Fort Wayne (the "Issuer") to finance the acquisition, construction and installation, including land, machinery and equipment, by Child World, Inc. ("Child World"), a parent, subsidiary or affiliate thereof or a third party unrelated to Child World, as thereafter to be determined by Child World, of real and personal property comprising a new commercial facility to be located within the boundaries of the Issuer for use in the sale, warehousing and distribution of toys, juvenile furniture, recreational and sporting goods, wheel goods and other related items, accessories and supplies, and other compatible commercial uses (the "Project"), and issuance costs related thereto, and

WHEREAS, this Common Council of the Issuer (the "Common Council"), pursuant to the Act, duly adopted on March 9, 1982 Resolution No. R1082 (the "Prior Resolution") finding, determining and ratifying the Commission's Inducement Resolution, authorizing the issuance and sale under the Act of up to \$3,000,000 of the Issuer's economic development revenue bonds to finance the Project (the "Bonds") and authorizing the execution of an Agreement with Child World with respect thereto (the "Inducement Agreement"); and

WHEREAS, Child World has determined that Anthony A. Petrarca, or Cedarwood Construction Company, Inc., his wholly-owned corporation ("Petrarca"), will acquire, construct, install and own the Project and lease all or a portion of the Project to Child World; and

WHEREAS, Child World has notified the Common Council that it wishes to assign all of its rights and obligations under the Commission's Inducement Resolution, the Prior Resolution and the Inducement Agreement to Petrarca, all as contemplated by the Prior Resolution, and thereafter to be released from any further obligations and liability under any thereof or with respect to the transactions contemplated thereby, and to be a lessee of all or a portion of the Project only and to have or assume no liability whatsoever, directly or indirectly (except pursuant to any assignment of Petrarca's rights under his lease with Child World to the Issuer in connection with the issuance of the Bonds), for making payments to the Issuer to pay the principal, premium, if any, or interest on the Bonds; and

WHEREAS, upon such assignment and the approval of this supplementary inducement resolution by the Common Council, Petrarca will proceed with the acquisition, construction and installation of the Project and will provide moneys for the interim financing thereof until the Issuer can complete the necessary procedures to authorize the issuance of the Bonds; and

WHEREAS, having received the advice of the Commission in the form of a supplementary inducement resolution heretofore duly adopted by the Commission, the Common Council wishes to evidence its approval of such assignment by and release of Child World and its agreement to issue the Bonds and to loan the proceeds thereof to petrarca to finance the Project;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana as follows;

SECTION 1. Based upon the foregoing further information provided to the Common Council and the advice of the Commission the Common Council hereby finds, determines, ratifies and confirms and confirms its prior findings and determination, that:

(a) The diversification of industry

and promotion of job opportunities in the

Issuer is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and it is in the public interest that the Commission and the Issuer take such actions as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer;

(b) The issuance and sale of the

Bonds for the acquisition, construction and installation, including land, machinery and equipment, of the Project, and the loan of the proceeds of the Bonds to Petrarca for such purposes, will serve the forgoing public purposes, in accordance with the Act;

(c) In order to induce Petrarca to

proceed with the acquisition, construction and installation of the Project and to provide funds to pay the cost of the Project, (i) the Issuer will authorize and issue the Bonds upon the terms provided in the Inducement Agreement, as assigned to Petrarca; (ii) the Issuer hereby approves the assignment of all of the rights and obligations of Child World under the Commission's Inducement Resolution, the Prior Resolution and the Inducement Agreement to Petrarca and the concurrent release of Child World from any further obligations or liability with respect thereto or to the transactions contemplated thereby, (iii) the Common Council will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing or as it may deem appropriate in pursuance thereof; and (iv) the Common Council will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such actions as may be necessary and advisable for the authorization, issuance and sale of the Bonds; and

(d) All costs of the Project which may be financed under the Act will be permitted to

be included as part of the Bonds issue, and the Issuer will loan the proceeds of the Bonds to Petrarca for the same purposes.

SECTION 2. This Resolution shall take effect only upon the execution by Child World and Petrarca of an Assignment and Assumption Agreement pursuant to which Child World assigns, and Petrarca assumes, all of Child World's rights and obligations under the Commission's Inducement Resolution, the Prior Resolution and the Inducement Agreement. Child World shall deliver a copy of the same to the Clerk of the Common Council promptly after such execution.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinat, Schmidt, Schomburg, Talarico
Nays: None
Absent: Two
Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-26-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-16

SPECIAL ORDINANCE NO. S-68-82

AN ORDINANCE approving an Agreement between
the Board of Commissioners of Allen County,
Indiana and the City of Fort Wayne, Indiana for
Allen County animal control

WITNESSETH

WHEREAS, the City of Fort Wayne, Indiana and the County of Allen desire to enter into an agreement relative to animal control.

WHEREAS, such agreement would be and is in the best interest of the citizens of Fort Wayne and Allen County in general.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed agreement by and between Allen County, Indiana by and through its Board of Commissioners and the City of Fort Wayne, Indiana is hereby approved and ratified in all respect. A copy of said agreement shall be placed on file with the City Clerk of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomubrg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-68-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11, 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-19

SPECIAL ORDINANCE NO. S-69-82

AN ORDINANCE approving Change Order
No. 5 for Res. 313-80, Mardego-Limberlost,
EPA C-180599-06 in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 for 313-80, Mardego-Lumberlost, EPA C-180599-06, to Earth Construction and Engineering in connection with the Board of Public Works, for:

a 2" asphalt overlay over the entire
existing pavement

in the amount of \$9,492.00, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-69-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-20

SPECIAL ORDINANCE NO. S- 70-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-011096 with Hefner
Chevrolet for 1/2 ton pick-up truck for
the Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-011096, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Hefner Chevrolet, for:

a 1/2 ton pick-up truck for the
Filtration Plan,

at a cost of \$6286.75, all as more particularly set forth in said Purchase Order A-011096, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-70-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-21

SPECIAL ORDINANCE NO. S-71-82

AN ORDINANCE approving Change Order
No. 3 for Res. 318-80, Campus Court
Pump Station, C-180599-06 in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 for Res. 31880, Campus Court Pump State, C-180599-06, to Earth Construction and Engineering, Inc., in connection with the Board of public Works, for:

to be in accordance with EPA regulations
a final Change Order must be approved which
reflects the actual quantities used on a
project,

in the amount of a net decrease of \$7,501.25, as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 4-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-82 on the 27th day of April, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of April, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of April, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-23

SPECIAL ORDINANCE NO. S-72-82

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE BOND,
SERIES 1982 (FORT WAYNE MUSEUM OF ART,
INC.) AND APPROVING OTHER ACTIONS IN
RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Fort Wayne Museum of Art, Inc. Project regarding the financing of proposed economic development facilities for the Fort Wayne Museum of Art, Inc., which facility is being guaranteed by Fort Wayne Fine Arts Foundation, Inc. who is also mortgaging its interest in the project site, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on April 15, 1982, and also adopted a resolution on April 15, 1982, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for the Fort Wayne Museum of Art, Inc. complies with the purposes and provisions of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
 - b. The financing will stimulate the local economy;
 - c. The financing will result in creation or retention of a significant number of jobs
 - d. The project being financed would not be undertaken without tax exempt financing,
- and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, Guaranty Agreement, Note, and Registered Bond; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, the loan of the proceeds of the revenue bonds to the Fort Wayne Museum of Art, Inc. for the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue bonds by the note payments of Fort Wayne Museum of Art, Inc. under the Loan Agreement, Mortgage and Indenture of Trust, the guaranteeing of the said Note payments by the Fort Wayne Fine Arts Foundation, Inc. under the Guaranty Agreement, and the securing of said Bond by the mortgaging of the land and building and granting of the security interest in the equipment included in the project to the City of Fort Wayne, under the Loan Agreement, Mortgage and Indenture of Trust, which Loan Agreement, Mortgage and Indenture of Trust is assigned, transferred and pledged to the Trustee pursuant to the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 36812 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number

of jobs; and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Loan Agreement, Mortgage and Indenture of Trust, Guaranty Agreement, Note, and Registered Bond, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the office of the Clerk for Public inspection.

SECTION 4. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bond, Series 1982 (Fort Wayne Museum of Art, Inc. Project), in the total principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) and maturing April 1, 1986, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Indenture of Trust incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Fort Wayne Museum of Art, Inc. or the payments made under the Guaranty Agreement by Fort Wayne Fine Arts Foundation, Inc. under the Loan Agreement, Mortgage and Indenture of Trust, Note, and Guaranty Agreement or as otherwise provided in the above described documents. The Bonds are issued in a fully registered form in the principal sum of \$1,500,000.00, may be assigned and transferred pursuant to the Mortgage and Indenture of Trust; payments of principal and interest are payable in lawful money of the United States of America at the principal office of Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana, as Trustee, or to the registered owner; the bond shall be redeemed as provided in Article 3 of the Mortgage and Indenture of Trust. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 5. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum of the Bond and not to exceed 75% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne at its principal office, as such rate is adjusted quarterly on January 1, April 1, July 1 and October 1 of each year (except in the event of a Determination of Taxability, as set forth in the Loan Agreement, Mortgage and Indenture of Trust), and at a price not less than 100% of the principal amount thereof.

SECTION 6. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix and imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk is authorized to arrange for delivery of such Bond to the Trustee named in the Trust Indenture, payment for the Bond will be made to the Trustee named in the Trust Indenture, and after such payment the Bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the Bond to the Trustee. The Bond shall be dated as the date of delivery.

SECTION 7. Provisions of this Ordinance and the Trust Indenture securing the Bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bond (Fort Wayne Museum of Art, Inc. Project), and after the issuance of said Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 8 This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-72-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-24

SPECIAL ORDINANCE NO. S-73-82

AN ORDINANCE approving a certain bid document for purchase and installation of a compressor and condensor for the McMillen Ice Arena for the Parks & Recreation Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1022 dated April 8, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Pearson, Inc., for the purchase and installation of a compressor and condensor for the McMillen Ice Arena at a total cost of \$18,570.00, all as more particularly set forth in said bid document reference number 1022 and Purchase Order Number A-16566, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-73-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-27

SPECIAL ORDINANCE NO. S-74-82

AN ORDINANCE approving an Agreement
to Purchase Real Estate by Thomas H. Hilt
and Bonnie L. Hilt

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated September, 1981, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Thomas H. Hilt and Bonnie L. Hilt for:

a space of 50' X 150' North and adjacent to Lot #39, Brookview Addition, Fort Wayne, Indiana, Allen County,

for a gain to the City of \$415.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-74-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-30

SPECIAL ORDINANCE NO. S-75-82

AN ORDINANCE approving Civil City
Purchase Order No. A016572 with
Petrolane Gas Service for the lease
of propane storage and pumping
equipment for the Emergency Medical
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-016572, dated April 8, 1982, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Petrolane Gas Service, for the lease of propane storage and pumping equipment for the Emergency Medical Services Department, at a cost of \$2000.00 - installation; \$360.00/annually - maintenance; \$.609/gallon - propane, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-75-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-31

SPEICAL ORDINANCE NO. S-76-82

AN ORDINANCE approving Civil City
Purchase order no. A-16586 with
Davis Auto Co., Inc., for the leasing
of one four door sedan for the Fort
Wayne Redevelopment Commission

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-16586, dated April 8, 1982, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Davis Auto Co., Inc., for:

the leasing of one four door sedan for
the Redevelopment Commission,

at a cost of \$195.00 per month; purhasse price at the end of three year lease, \$4,000.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things rattified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 5-11-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-76-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. Z-82-02-03 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-11-82

AN ORDINANCE amending the City of
 Fort Wayne Zoning Map No. L-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-2 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots numbered 38, 40, 42, 44, 46 and
 48, all in Northside Addition to the City of
 Fort Wayne, in Allen County, State of
 Indiana, according to the plat thereof, recorded
 in Deed Record 30, pages 514-515, in the Office
 of the Recorder of Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. L-10, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
 Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 5-11-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-11-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-09-13

GENERAL ORDINANCE NO. G-06-82

AN ORDINANCE amending the Code of
the City of Fort Wayne, Indiana of
1974, Chapter 21-1, 21-2 and 21-3
which adopted the General Plan for the City of
Fort Wayne as approved by Council on
November 26, 1963

WHEREAS, the Fort Wayne City Plan Commission has prepared a Comprehensive Plan for the City of Fort Wayne that promotes the orderly physical and economic development in the Fort Wayne community, and provides for the promotion of public health, safety, morals, convenience, order and welfare in the process of development in accordance with the statutes of the State of Indiana; and

WHEREAS, the required notice of public hearing by the Plan Commission has been published as required by law; and

WHEREAS, the City Plan Commission in accordance with the Planning Acts of the State of Indiana did hold a public hearing on the Comprehensive Plan; and

WHEREAS, the Common Council of the City of Fort Wayne and all other Government bodies within the territorial jurisdiction of the Fort Wayne City Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in said Plan as required by Indiana statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 21, Section 21-1, 21-2 and 21-3 of the Code of the City of Fort Wayne, Indiana of 1974 are hereby repealed and the following is hereby substituted:

Section 21-1. That "The Comprehensive Plan for the City of Fort Wayne" contains data, text, maps, figures, and charts in one or more of the following sections: Cover Page, Table of Contents, List of Figures, Section I - Introduction, Section II - Background Information,

Section III Policies and Strategies, Section IV - Implementation, Appendix, and the Urban Service Area: Generalized Land Use Map.

Section 21-2. That "The Comprehensive Plan of Fort Wayne" is hereby incorporated and made a part of this Ordinance and shall be in full force and effect from and after its passage and approval by the Mayor, and legal publication, thereof; and that the General Plan approved November, 1963 is hereby repealed.

Section 21-3. That a copy of the approved Comprehensive Plan shall be and remain filed in the Office of the Clerk of the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Eisbart, Bradbury, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-06-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-81-11-09

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE amending Chapter 33 of
the Code of the City of Fort Wayne,
Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 33-14 of the Code of the City of Fort Wayne, Indiana of 1974, be amended as follows:

Section 33-14 g and (g) (4) are amended by deleting and eliminating the term "Antique Shop" from Section 33-14 (g) (3) a. and substituting the word "Reserved" therein and by deleting and eliminating the term "Penny Arcade" from Section 33-14 (g) (4) d. and substituting the term "Reserved" therein and by adding to Section 33-14 (e) "B-1-B District" (32) Antique Shop and (33) Penny Arcade.

SECTION 2. If any section paragraph clause, sentence or part of the Ordinance shall be declared invalid, it shall not affect the legality of the remainder of other parts of this Ordinance.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Absent: One Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

BILL NO. S-82-04-26

SPECIAL ORDINANCE NO. S-77-82

AN ORDINANCE approving Change Order No. 3
for 5902-81, Nebraska Neighborhood Phase VI
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 for 5902-81, Nebraska Neighborhood Phase VI to Rieth-Riley Construction Co., Inc., in connection with the Board of Public Works, for:

the construction of new walks on private property as part of the project to prevent water drainage, in the amount of \$3,460.64, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-77--82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-33

SPECIAL ORDINANCE NO. S-78-82

AN ORDINANCE approving a contract for
Improvement Resolution No. 5926-82
between the City of Fort Wayne, Indiana
and Brooks Construction Co., for the
improvement of West Jefferson, Main
Street, and Illinois Road intersection

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Brooks Construction Co., for:

the improvement of West Jefferson, Main Street and Illinois Road intersection, consisting of traffic channelization of West Jefferson and Main Street, and widening and resurfacing of the entire intersection, under Board of Public Works Improvement Resolution No. 5926-82 at a total cost of \$70,237.05, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-78-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-25

SPECIAL ORDINANCE NO. S-79-82

AN ORDINANCE approving a contract for
Water Main Contract 82-XP-1, between The
City of Fort Wayne, Indiana, and Earth
Construction & Engineering, Inc.,
for the installation of a 6" diameter water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 14, 1982, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and Earth Construction and Engineering, Inc., for:

a 6" diameter water main across the St. Marys River from the west end of Wildwood Avenue westward
380 ± L.F. to Gruber Avenue,

under Board of Public Works Water Main Contract 82-XP-1, at a total cost of \$18,491.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-79-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-29

SPECIAL ORDINANCE NO. S-80-82

AN ORDINANCE approving a contract for
Water Resolution 82-XP-2, Botanical
Gardens, between the City of Fort Wayne,
Indiana, and Scheidleman Excavating,
Inc., for an 8" diameter water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That a certain contract, dated April 14, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Scheidleman Excavating, Inc., for:

an 8" diameter water main on the east side of Harrison Street from Douglas Avenue northward to Jefferson Blvd.

under Board of Public Works Water Resolution 82-XP-2, at a total cost of \$19,199.35, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same, is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burnns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-80-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-34

SPECIAL ORDINANCE NO. S-81-82

AN ORDINANCE approving a contract for Resolution No. 356-81, Baxter-Richardsville, between the City of Fort Wayne, Indiana, and Scheidleman Excavating, Inc. for the repair of an existing 15" combination sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 14, 1982 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Scheidleman Excavating, Inc., for:

the repair of an existing 15" combination sewer located within the alley bounded on the south by Baxter Street, on the north by Richardsville Avenue, on the east by Hanna Street and on the west by Monroe Street, under Board of Public Works Resolution No. 356-81, Baxter-Richardsville, at a total cost of \$19,399.30, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-81-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-35

SPECIAL ORDINANCE NO. S-82-82

AN ORDINANCE approving a contract for
Water Resolution No. 1026-81, Southdale
Avenue, between the City of Fort Wayne
and Scheidleman Excavating, Inc., for
a 6" diameter water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 14, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Scheidleman Excavating, Inc., for:

the installation of a 6" diameter water
main on the north side of Southdale Avenue, from
South Anthony Blvd. to Holton Avenue,

under Board of Public Works Water Resolution No. 102681, Southdale Avenue, at a total cost of \$15,640.57, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-82-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-36

SPECIAL ORDINANCE NO. S-83-82

AN ORDINANCE approving a contract for Resolution 882-80, Dale Drive, between the City of Fort Wayne, Indiana, and Earth Construction & Engineering, Inc., for the construction of a main sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 14, 1982 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Earth Construction and Engineering, Inc., for:

the construction of a main sewer, which from its size and character is not only intended and adopted for use by property holders whose property abuts along the line of said sewer, but is also intended and adopted for receiving drainage from collateral drains already constructed or which hereafter may be constructed; across a portion of the southwest quarter of Section 27, Township 30 north, Range 12 east; bounded on the west by the east right-of-way line of Bluffton Road; bounded on the north by a line 200 feet south of the south right-of-way line of Rehm Drive, bounded on the south by a line 280 feet south of the south right-of-way line of Dale Drive, commencing at a point 18 + feet north of the centerline on Rehm Drive and 9 + feet east of the centerline of Bluffton Road; thence southerly a distance of 460 + feet in and along the right-of-way of Bluffton Road to a point 7 + feet west of the east right-of-way line of Bluffton Road and 13 + feet south of the north right-of-way line of Dale Drive; thence easterly a distance of 371 + feet along a line parallel to the centerline of Dale Drive to a point located 44 + feet east of the southwest corner of Lot 68 in Elzey's 4th Addition. Lateral #1 - Commencing at the proposed sewer along Dale Drive, thence northerly 5 + feet west of and parallel to the east property line of Lot 82 of Elzey's 4th Addition a distance of 174 + feet determinating at a proposed structure located 190 + feet north of the centerline of Dale Drive and 560 + feet east of the centerline of Bluffton Rd. Lateral #2 - commencing at the proposed sewer along Dale Drive; and the west property line of Lot 78 of Elzey's 4th Addition 780 + feet east of the center line of Bluffton Road; thence southerly a distance of 315 + feet terminating at an existing structure located 775 + feet east of the centerline of Bluffton Road and 295 + feet south of the centerline of Dale Drive. Lateral #3 - - commencing at the proposed sewer along Dale Drive 955 + feet east of the centerline of Bluffton Road; thence southerly a distance of 330 + feet terminating at a proposed structure 985 + east of the centerline of Bluffton Road and 310 + feet south of the centerline of Dale Drive. Said sewer shall be 24, 18, 15 and 12 inches in diameter, with all its appurtenances shall be constructed in accordance with the plans, profiles, and specifications now on file in the office of the Department of Public Works of said city and shall be used for storm water purposes only,

under Board of Public Works Resolution No. 882-80, at a total cost of \$152,833.00, all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-83-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-04-37

SPECIAL ORDINANCE NO. S-84-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-011350 with
Municipal & Contractor Supply, Inc.
for one complete low pressure air testing
trailer for the Water Pollution
Control Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-011350, dated April 15, 1982, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Municipal & Contractor Supply, Inc., for:

one complete Low Pressure Air Testing
Trailer for the Water Pollution Control
Engineering Department,

at a cost of \$13,396.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-84-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M.E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-82-02-25

ANNEXATION ORDINANCE NO. X-02-82

AN ORDINANCE annexing certain territory
commonly known as Westwood Valley Annexation
to Fort Wayne, and including the same in
Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the West Half of the Northeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana, and more specifically described as follows:

Beginning at the point where the North right-of-way line of West State Boulevard intersects with the West line of the Northeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana; thence North 00 degrees 03 minutes 31 seconds East along the West line of the Northeast Quarter of said Section 33 a distance of 505.90 feet; thence North 62 degrees 47 minutes 08 seconds East a distance of 653.6 feet; thence North 42 degrees 54 minutes 13 seconds East a distance of 297.7 feet; thence North 56 degrees 15 minutes 53 seconds East a distance of 646.9 feet to the East line of the West Half of said Northeast Quarter; thence South 00 degrees 20 minutes 05 seconds East along said East line a distance of 1382.2 feet to the North right-of-way line of West State Boulevard; thence West along the North right-of-way line of West State Boulevard to the point of beginning; area containing 27.6 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year from the effective date of annexation, governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of City Councilmanic Political Ward #3 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and final publication thereof as required by law.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-02-26

RESOLUTION NO. R-27-82

A RESOLUTION of the Common Council setting forth
the policy of the City in regard to the annexation
of the Westwood Valley Annexation Area

WHEREAS, the annexation of territory to the City is a legislative function; and,

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City including newly annexed areas, and,

WHEREAS, the Common Council has before it an ordinance for the annexation of the Westwood Valley Annexation Area, more specifically described to-wit:

Part of the West Half of the Northeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana, and more specifically described as follows.

Beginning at the point where the North right-of-way line of West State Boulevard intersects with the West line of the Northeast Quarter of Section 33, Township 31 North, Range 12 East, Allen County, Indiana; thence North 00 degrees 03 minutes 31 seconds East along the West line of the Northeast Quarter of said Section 33 a distance of 505.90 feet; thence North 62 degrees 47 minutes 08 seconds East a distance of 653.6 feet; thence North 42 degrees 54 minutes 13 seconds East a distance of 297.7 feet; thence North 56 degrees 15 minutes 53 seconds East a distance of 646.9 feet to the East line of the West Half of said Northeast Quarter; thence South 00 degrees 20 minutes 05 seconds East along said East line a distance of 1382.2 feet to the North right-of-way line of West State Boulevard to the point of beginning; area containing 27.6 acres, more or less.

BE IT THEREFORE, RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That in the case of the Westwood Valley annexation it is the policy of the City of Fort Wayne to follow the provisions of Common Council Resolution No. R-56-79 with regard to the provision of non-capital services to the annexation area.

2. That it is the policy of the City to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning which is attached hereto and incorporated herein.

3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

4. Said plan is hereby approved and adopted by the Common Council and shall be in full force upon the effective date of the Westwood Valley annexation ordinance.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-11-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-27-82 on 11th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of May, 1982, at the hour of 4:00 o'clock P.M. E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-01

SPECIAL ORDINANCE NO. S-89-82

AN ORDINANCE approving a contract with the Secretary of Housing and Urban Development for the purchase of 3512 Oliver Street Fort Wayne, Indiana, 46806, for Homesteading

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the contract dated April 12, 1982, between Housing & Neighborhood Development Services, Inc., and The Secretary of Housing and Urban Development for:

the purchase of 3512 Oliver Street
Fort Wayne, Indiana 46806,

for a total cost of \$5,850.00, all as more particularly set forth in said Contract which is made a part hereof and is, by reference, incorporated herein, and further, said contract is on file in the Office of Neighborhood Care, Inc., and two copies of the contract is on file in the Clerk's Office and available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Abstained: One

Burns

Absent: One

Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-89-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-02

SPECIAL ORDINANCE NO. S-90-82

AN ORDINANCE approving Contracts by and between the City of Fort Wayne, Indiana, through its Board of Public Works, and National Serv-All, Inc. and SCA Services of Indiana, Inc. for the collection, transportation, and disposal of garbage and refuse

WHEREAS, the City of Fort Wayne, Indiana, through its Board of Public Works, has let bids for the collection of garbage and refuse for the years 1982 through 1987;

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana, has determined that the lowest and best bidder for Zones 2 and 3 under said Contract is National Serv-All, Inc.;

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana, has determined that the lowest and best bidder for Zone 4 under said Contract is SCA Services of Indiana, Inc.;

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana, is desirous of having said Contract by and between the City of Fort Wayne, Indiana, and National Serv-All, Inc. for Zones 2 and 3; and said Contract by and between the City of Fort Wayne, Indiana, and SCA Services of Indiana, Inc. for Zone 4, for the collection of garbage and refuse, approved by the Common Council as required by law.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contracts by and between the City of Fort Wayne, Indiana, by and through its Board of Public Works, and National Serv-All, Inc. for Zones 2 and 3 and SCA Services of Indiana, Inc. for Zone 4, all for the collection of garbage and refuse, including the transportation and disposal thereof, are hereby, along with all addenda thereto, ratified and approved in all respects.

SECTION 2. That said Contracts are made a part hereof and are, by reference, incorporated herein, and further, said Contracts are on file in the Office of the Board of Public Works of the City of Fort Wayne, Indiana, and two copies of each Contract are on file in the Clerk's Office and available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-90-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-05-03

RESOLUTION NO. R-28-82

A RESOLUTION authorizing the submission of a final statement of community development objectives, projected use of funds, and required certifications to the U.S. Department of Housing and Urban Development as required for the City of Fort Wayne to receive its 1982 Community Development Block Grant Entitlement

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the Housing and Community Development Act of 1980, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the City's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement submission for 1982 (eighth year) Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the attached submission of a \$3,312,000 budget, which is made a part

hereof, which includes \$2,922,000 in 1982 (eighth year) entitlement funds and the accompanying certifications be approved and forwarded to the U.S. Department of Housing and Urban Development under the signature of Mayor Win C. Moses, Jr.

SECTION 2. That Mayor Win C. Moses, Jr., in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

SECTION 3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

SECTION 4. That this Resolution shall be effective upon passage and a approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-25-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-28-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. G-82-04-32 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-07-82

3 AN ORDINANCE AMENDING CHAPTER 7 OF THE
4 CODE OF THE CITY OF FORT WAYNE, INDIANA
5 OF 1974 AND SUPPLEMENTING SAID CHAPTER

6 WHEREAS, the Common Council of the City of Fort Wayne,
7 Indiana, recognizes its role in promoting the highest
8 standards of public safety throughout the community; and,

9 WHEREAS, said Common Council believes that the public
10 safety of the children of this community is of the utmost
11 importance; and,

12 WHEREAS, the purpose of this Ordinance is to enact
13 reasonable regulations governing every motor vehicle in
14 which ice cream, ice milk, frozen dairy products or ice
15 flavored with syrup are carried for the purposes of retail
16 sale on the public streets of the City of Fort Wayne, Indiana.

17 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
18 THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

19 SECTION 1. Chapter 7 of the Code of the City of Fort
20 Wayne, Indiana, of 1974 is hereby amended and supplemented
21 by the addition of a new Article XII entitled "ICE CREAM
22 TRUCK" and which Article XII reads as follows:

23 ARTICLE XII

24 SECTION 2. Definitions:

25 (A) "ICE CREAM TRUCK" shall mean every motor vehicle in
26 which ice cream, ice milk, frozen dairy products or ice
27 flavored with syrup are carried for purposes of retail sale
28 on the streets of the City of Fort Wayne, Indiana;

29 (B) "VEND OR VENDING" shall mean offering ice cream,
30 ice milk, frozen dairy products or ice flavored with syrup
31 for sale from a motor vehicle on the public streets of the
32 City of Fort Wayne, Indiana.

1 SECTION 3. Inspection, Equipment, and Licensing.

2 Once every year prior to the issuance of any license
3 to any person who uses and operates any ice cream truck on the
4 streets of the City of Fort Wayne, Indiana the owner thereof
5 shall cause said ice cream truck to be thoroughly examined and
6 inspected by the health officer of the City-County Board of
7 Health of Fort Wayne to determine compliance with the minimum
8 sanitation and health requirements specified by the State Board
9 of Health. Written proof of said inspection shall be promptly
10 transmitted by the health officer to the Office of the Controller
11 of the City of Fort Wayne, Indiana. Upon receipt of the written
12 proof of inspection showing compliance with minimum sanitation
13 and health requirements as hereabove specified, and prior to the
14 issuance of a vendor or peddler's license as set forth herein-
15 after and prior to the use and operation of said ice cream truck,
16 said ice cream truck shall be thoroughly examined and inspected
17 by the Police Department and must have the following safety
18 equipment on said vehicle in good working order:

- 19 (A) A metal, horizontally extendable sign at
 20 least twenty (20) inches in length, and at
 21 least ten (10) inches in width imprinted
 22 with the words "STOP" in six (6) inch black
 23 block letters on yellow background, and
 24 "PROCEED WITH CAUTION" in two (2) inch
 25 black block letters on yellow background,
 26 such arm to be lighted at the street end
 27 of said arm with two alternately flashing
 28 lights two (2) inches in diameter, amber in
 29 the front and red in the back clearly visible
 30 from both front and rear directions at a
 31 distance of at least three hundred (300)
 32 feet, the bottom of said sign to be at a
 height of five (5) feet above the level of
 the street or way.
- (B) The inspection letter for each vehicle by the
 Board of Health and Police Department shall
 be carried in that vehicle.
- (C) Each vendor-driver shall possess a valid Indiana
 chauffeur's drivers license. The owner shall
 provide his drivers, in the spring, a safety
 program of at least two (2) hours taught by a
 qualified instructor in the operation of the
 ice cream truck and vending of the ice cream,
 etc.

1 SECTION 4. Violations by Motorists.

2 It shall be unlawful for any motorist when approaching
 3 a parked (defined as located within six (6) inches of the
 4 curb or side of road, whichever is applicable) Ice Cream
 5 Truck from any direction at a time when such Ice Cream Truck
 6 is displaying the metal extendable arm and the flashing
 7 lights, to fail to come to a complete stop at least ten (10)
 8 feet from the closest end of said Ice Cream Truck or to fail to
 9 then proceed with caution past such Ice Cream Truck at a
 10 reasonable and prudent speed and to yield the right of way to
 11 any pedestrian who crosses the roadway to or from the side of
 12 said Ice Cream Truck; provided, that on any street or highway
 13 divided into two (2) or more roadways by leaving an intervening
 14 space which is unimproved and not intended for vehicular
 15 traffic, or by a physical barrier or by a dividing section
 16 constructed to impede vehicular traffic, if the Ice Cream
 17 Truck is on the opposite side of such traffic barrier, the
 18 driver of the approaching vehicle need not stop but shall
 19 proceed with due caution for the safety of the customers
 20 of the Ice Cream Truck.

21 Any motorist who operates a motor vehicle in violation
 22 of this Section shall be fined not to exceed Fifty Dollars
 23 (\$50.00) and Court costs for each violation; provided,
 24 however, if the Ice Cream Truck is being operated in violation
 25 of this Article XII then the motorist shall not be considered
 26 as violating this Section 4.

27 SECTION 5. Vending Restrictions.

28 (A) The driver of an Ice Cream Truck shall come to a
 29 full and complete stop within six (6) inches of the curb or
 30 side of the road. The vendor shall then actuate the alternately
 31 flashing red and amber lights and extend the stop signal arm
 32 required by this Article XII Prior to vending.

(B) The required signal arm and flashing lights shall not
 be used when the Ice Cream Truck is in motion nor at any time

SECTION 5
(G) It shall be unlawful to offer to vend or to vend from any ice cream truck within a distance of one thousand (1000) feet of any real estate which is then used as part of the school grounds of any duly accredited public, or private, grade or junior high school between the hours of 7:00 A.M. and 4:00 P.M. on days when said schools are in session. (as amended 5-25)

1 when the Ice Cream Truck is stopped for a purpose other than
2 vending.
3 (C) The driver or vendor therein of an Ice Cream Truck
4 shall not back the truck to make or attempt to make a sale.
5 (D) The driver or vendor therein of an Ice Cream Truck
6 shall vend only from the side of said Ice Cream Truck away from
7 moving traffic.
8 (E) It shall be unlawful to offer to vend on any public
9 street where parking is prohibited on one side or on both sides
10 of said public street, ~~on any public street where traffic flows~~
11 ~~in one direction only~~, or on any public street where the legal
12 speed limit exceeds thirty (30) miles per hour.
13 (F) It shall be unlawful to offer to vend or to vend from
14 any ice cream truck on any public street before the hour of
15 9:00 A.M., between the hours of 5:00 P.M. and 6:00 P.M., and
16 after dusk.

17 (G)
SECTION 6. Violations by Ice Cream Vendor or Driver of any Ice Cream Truck.

18 Any ice cream vendor or driver of an Ice Cream Truck who
19 operates an Ice Cream Truck in violation of this Article XII
20 shall be fined not to exceed Fifty Dollars (\$50.00) and Court
21 costs for each violation.

22 SECTION 7. Permissive Vending.

23 It shall be lawful for an Ice Cream Truck duly inspected
24 and licensed under Section 3 of this Article XII to vend its
25 wares at special events, such as fireworks, Three Rivers
26 Festivals, company benefits and parties in places other than on
27 public streets without complying with the provisions of
28 Section 5 (A), (B), (C), (D), (E), and (F).

29 SECTION 8. Payment of Fines.

30 All fines and penalties shall be paid to the Fort Wayne
31 Violations Bureau located in the Office of the City Clerk of
32 Fort Wayne, Indiana.

1 SECTION 9. This Ordinance shall be in full force and
2 effect from and after its passage, approval by the Mayor, and
3 legal publication thereof.

Ben A. Eisbart
COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY ON APRIL 26, 1982

[Signature]
City Clerk

Read the third time in full, and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Bradbury, Eisbart, GiaQuinta, Schmidt, Stier, Talarico

Nays: One

Schomburg

Abstained: One

Burns

Absent: One

Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-07-82 on the 25th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-03-03 (AS AMENDED)

GENERAL ORDINANCE NO. G-08-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating William L. Jones Drive

WHEREAS, (1) a petition to vacate William L. Jones Drive (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the petition filed here to vacate:

Part of the Southeast Quarter, of Section 39, Township 31 North, Range 13 East, in Allen County, Indiana, in particular described as follows:

Commencing at the point of intersection of the east line of Glenhurst Avenue and the south line, produced eastward, of Merivale Street, as recorded in the plat of Kirkwood Park Addition, Section "E"; thence running eastward on the south line, produced eastward, of said Merivale Street, a distance of 128.3 feet; thence southeastward and parallel to the center line of Coliseum Boulevard East, by a deflection right of 24 degrees 22 minutes, a distance of 171.5 feet to a point situated 325 feet east of the center line of Glenhurst Avenue as in said plat of Kirkwood Park Addition, Section "E" recorded; thence north and parallel to the said Glenhurst Avenue center line, 44.8 feet to the southwesterly right-of-way line of said Coliseum Boulevard East; thence northwestward along the aforesaid right-of-way line, 159.6 feet to an intersection by the north line produced eastward, of said Merivale Street as in said plat of Kirkwood Park Addition, Section "E" recorded; thence west on the aforesaid line, by a deflection left of 24 degrees 22 minutes, a distance of 111.6 feet to the east line of said Glenhurst Avenue, as widened by the State Highway Commission at the junction of said Glenhurst Avenue and

Coliseum Boulevard East; thence southwestward by a deflection left of 60 degrees 40 minutes along the east line of Glenhurst Avenue, as widened, a distance of 57.2 feet to the place of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive (Master) Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decree of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage and approval by the Mayor and due legal publication

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-08-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-05-04

GENERAL ORDINANCE NO. G-09-82

AN ORDINANCE repealing Section 13-20
of The Code of the City of Fort Wayne, Indiana
of 1974 and substituting therefor a new
Section 13-20 of said code

WHEREAS, the number of inspections of temporary food establishments has increased sixty-three percent (63%) since 1976; and,

WHEREAS, the Fort Wayne, Allen County Board of Health inspection effort, both during the regular work day and overtime has increased significantly as a result of the number of temporary food establishments set up at various fairs and festivals; and,

WHEREAS, it would be in the best interest of the Fort Wayne, Allen County Board of Health if the additional effort required by the temporary food establishments be paid for by permit fees,

BE IT THEREFORE ORDAINED by the Common Council of the City of Fort Wayne, Indiana, as follows:

Section 1. Section 13-20 of The Code of the City of Fort Wayne, Indiana of 1974 is hereby repealed in its entirety and the following is substituted therefor.

Sec. 13-20. Same-Exemptions.

"Permit Fee Exemption":

The permit fee provisions of this article shall not apply to food service establishments, temporary food service establishments, mobile food service establishments, food markets, temporary food markets operated by or vending operators which are, religious, educational, and charitable organizations operating upon their own premises, unless they provide food services to persons other than members, guests or students on a regular basis. Provided, however, the permit fee provisions of this ordinance shall apply to food service establishments, temporary food service establishments, mobile food establishments, food markets, temporary food markets, or vending operators, operated by religious, education, and charitable organizations providing food services off their own premises for human consumption with or without charge.

Establishments which shall sell or offer for sale only prepackaged confections such as candy, chewing gum, confections such as candy, chewing gum, nut meats, potato chips, pretzels, popcorn and soft drink beverages, or food dispensed from a coinoperated vending machine shall be exempt from the provisions of sections 13-14 to 13-19 herein regarding the necessity for obtaining a permit from the health officer, but not section 13-3. Vending machines which dispense only prepackaged, prebottled, nonreadily perishable food and beverages shall be exempt from the provisions of this chapter.

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-09-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-82-04-38
2
3 SPECIAL ORDINANCE NO. S- 91-82
4 AN ORDINANCE amending General Ordinance No. G-27-78
5 establishing rates and charges for the use of and
6 services rendered by the waterworks system of the
7 City of Fort Wayne, and repealing all ordinances or
8 parts of ordinances in conflict therewith.
9
10 WHEREAS, the Common Council of the City of Fort Wayne,
11 Indiana, now finds that the existing rates and charges for the
12 use of and services rendered by the waterworks of said City are
13 too low and are insufficient to enable the City to properly
14 maintain and operate its waterworks plant; to provide for
15 depreciation; to provide a sinking fund for the liquidation of
16 bonds; to provide for payment of interest on bonds and other
17 evidences of indebtedness; to provide adequate funds for working
18 capital; to provide funds for payment of any taxes assessed
19 against its utility; and to provide a reasonable return on
20 its utility plant; and therefore, that the existing rates and
21 charges should be increased; and
22
23 WHEREAS, in accordance with I.C. 8-1-2-96, as amended,
24 the Common Council finds that rates and charges for water service
25 to be paid by users of the system shall be sufficient to include
26 a reasonable return on the utility plant of the municipality;
27 and
28
29 WHEREAS, pursuant to I.C. 8-1-2-96, the Common Council
30 finds that the water rates charged to users of the system shall
31 be sufficient to compensate the City for the taxes due to the
32 City which would be paid on the utility property were it privately
owned;
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That Section 1 of the General Ordinance
No. G-27-78, entitled "An Ordinance amending General Ordinance

1 No. G-09-76 establishing rates and charges for the use of and
2 services rendered by the waterworks system of the City of Fort
3 Wayne, and repealing all ordinances or parts of ordinances in
4 conflict therewith", adopted September 28, 1978, be and the
5 same is hereby amended to read as follows: Section 1. That
6 there shall be and hereby are established for the use of and
7 the service rendered by the waterworks system of the City of
8 Fort Wayne the following rates and charges based on the use of
9 water supplied by said waterworks system:
10 (a) Metered Rates Per Month
11
12
13
14
15

		100 Cubic Feet
First	500 cubic feet	\$1.000
Next	1,500 cubic feet	.770
Next	2,500 cubic feet	.643
Next	7,500 cubic feet	.593
Next	18,000 cubic feet	.509
Next	20,000 cubic feet	.432
Next	50,000 cubic feet	.381
Next	50,000 cubic feet	.305
Over	150,000 cubic feet	.279

(b) Minimum Charges

Each user shall pay a minimum monthly charge based on the size of meter installed, for which the user will be entitled to the quantity of water set out in the metered schedule of rates.

Size of Meter	Per Month
5/8 inch	\$ 5.00
3/4 inch	7.80
1 inch	12.70
1 1/2 inch	25.30
2 inch	39.00
3 inch	77.95
4 inch	129.70
6 inch	246.40
8 inch	360.35
10 inch	540.45

(c) Municipal Service to the City of Fort Wayne

For each fire hydrant - per annum \$165.75

(d) Private Fire Protection Service

Per annum - Fire Hydrant	\$165.75
2 inch	18.40
3 inch	41.45
4 inch	73.60
6 inch	165.75

8 inch	\$283.65
10 inch	460.30
12 inch	652.85
16 inch	1,178.40

(e) All charges for service to customers situated outside the corporate limits of the City of Fort Wayne having availability for all of the foregoing tariffs shall be one hundred thirty-five per cent (135%) of the charges computed by application of the foregoing tariffs.

(f) Collection or Deferred Payment Charge

All bills for water services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

SECTION 2. Utility rates and regulations for water services shall be determined from time to time as the need may occur by the Board of Public Works of the City of Fort Wayne.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

SECTION 4. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana, or until such time as said Commission shall direct.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
 Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: One
 Burns
 Absent: One
 Nuckols

Date: 5-25-82 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-91-82 on the 25th day of May, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

1	BILL NO. S-82-04-39
2	SPECIAL ORDINANCE NO. S- 92-82
3	AN ORDINANCE amending Article VI and Sections 24-35
4	and 24-36 of Article VII of Chapter 24 "Sewer and
5	Sewerage Systems" so as to adjust rates and other
6	provisions prescribed therein
7	WHEREAS, the Common Council now finds that the fees
8	charged for services rendered by the Sewage Works owned and
9	operated by the City of Fort Wayne are not sufficient to maintain
10	the Sewage Works in the sound physical and financial condition
11	necessary to render adequate and sufficient service and that
12	said fees are not sufficient to pay all expenses to operate and
13	maintain the Works; to pay interest charges on bonds or other
14	obligations; to provide the sinking fund required for revenue
15	bonds heretofore issued; to provide adequate money to be used as
16	working capital; to provide adequate money for improving and
17	replacing the Works; and to provide the amount of money sufficient
18	to compensate the City for the property taxes that would be paid
19	on the Sewage Works if the Sewage Works were privately owned;
20	NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
21	OF THE CITY OF FORT WAYNE, INDIANA:
22	SECTION 1. That Chapter 24 of the Municipal Code of
23	the City of Fort Wayne, Indiana, 1974, as amended, is amended
24	to be and read as follows:
25	Article VI. User Charges
26	Sec. 24-27. User Volume Charges.
27	The water usage schedule upon which charges for services
28	rendered by the Sewer Utility shall be based on water consump-
29	tion unless otherwise metered or exempted in accordance with
30	the following user classifications and the following charges
	for services for each such classification:

	Service Charge (cents per 100 cu. ft.)	Class of User	
		Domestic	Manufacturing
Treatment	18.74	18.74	
Conveyance, Collection, Billing	18.23	11.88	
Capital	11.73	8.88	
Total User Charge	48.70	39.50	

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27 does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

Water Meter Size	Minimum Monthly Charge
5/8 - 3/4"	\$ 2.43
1 - 1/2"	8.58
2"	17.51
3"	35.18
4"	58.48
6" or larger	162.44

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

Classification of Customer	Monthly Flat Charge (1)	
	In-City	Out-City
Domestic User - Single Family Dwelling	\$ 4.87	\$ 5.84
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwell-

ings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

Sec. 24-29A. Special Capital Surcharge.

Each user discharging wastes into the sewage systems acquired by the City of Fort Wayne, Indiana, from and located in St. Joseph Township and Adams Township, Allen County, Indiana, as well as all future extensions thereof shall be subject to and shall pay a special capital surcharge in the amount of \$4.65 per month in addition to all other sewer service charges or other charges imposed by this Ordinance. Said capital surcharge shall be collected from said users until such time as the principal of and all interest and other costs arising from the borrowing of funds by the City for the acquisition of said sewer system shall have been paid in full from the total of the capital surcharge herein imposed.

21
22 Sec. 24-30. Contract Customers - Unit and Other Charges.

23 In the event the City consummates a contract to serve as a
24 regional treatment plant for any other municipality or private
25 sewage utility, either contiguous to the City or in its environs,
26 said contract shall provide for the following unit charges:

27	(a) <u>Volume Charge (cents per 100 cu. ft.)</u>	
28	Treatment	18.74
29	Capital Charge	<u>11.76</u>
30		30.50
31		

1 (b) Variable Charge (cents per 100 cu. ft.)

2 A variable charge for conveyance and col-
3 lection costs attributable to that portion
4 of the conveyance system and operating costs
5 associated therewith used by the contract
6 customer shall be computed by the City and
7 added to the volume charge.

8 (c) Flat Charge.

9 In addition to the foregoing charges based
10 on volume of sewage treated and conveyed
11 each contract customer will pay a monthly
12 billing charge of \$.55 and a monthly sur-
13 veillance charge of \$82.20.

14 (d) Excess Strength of Wastes Surcharge.

15 In the event a contract customer contributes
16 waste having a strength in excess of domestic
17 waste characteristics, as hereinbefore defined,
18 a surcharge based on the following unit process
19 charge will be in effect for all waste found
20 to be in excess of limitations:

21		<u>Cents Per Pound</u>
22	Suspended Solids - (SS)	3.931
23	Biochemical Oxygen Demand - (BOD)	3.926
24	Phosphorus - (P)	37.619

25 (e) Capital Surcharge.

26 In the event contract customer delivers sewage
27 for treatment to City for a period of 90 con-
28 secutive days which is in excess of base MGD
29 contracted for, then customer will be subject
30 to an additional capital charge computed at
31 the capital charge (per 100 cu. ft.) then in
32 effect times the excess percentage of MGD

1 represented by dividing actual MGD by
2 contracted MGD.

3 (f) Other Provisions.

4 In the event sewage received pursuant to any
5 contract entered into under this section exceeds
6 any of the limitations imposed by this Chapter,
7 the City shall have the right to impose all
8 charges, limitations and penalties applicable
9 to any non-contract user served by the City.

Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact, and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec.204(b)(1) Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to Plant - \$163.00 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.85 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City

Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- | | |
|--|---------------------------|
| a. For suspended solids (SS) | 3.931 cents
per pound |
| b. For biochemical oxygen demand - (BOD) | 3.925 cents
per pound |
| c. For phosphorus (P) | 37.519 cents
per pound |

1 Sec. 24-36. Waste Evaluation Charges.
 2 All users discharging wastes into the system requiring continu-
 3 ing surveillance sampling and waste evaluation shall be subject
 4 to a monthly fixed charge to cover the costs of such services in
 5 the amount of \$82.20 per discharge point.

6 SECTION 2. That this Ordinance is adopted after a public
 7 hearing held pursuant to I.C. 36-9-23-26 and due notice of said
 8 hearing published pursuant to I.C. 5-3-1.

9 SECTION 3. That this Ordinance shall be in full force
 10 and effect upon passage and approval by the Mayor.

11
 12 Paul M. Burns

13 _____
 14 COUNCILMAN

Read the third time in full and on motion by Burns, seconded by
 Eisbart and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Seven
 Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier,
 Talarico
 Nays: One
 Burns
 Absent: One
 Nuckols

Date: 5-25-82 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as Special Ordinance No. S-92-82 on the 25th day of May, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
 the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of
 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-05-05 *(as amended)*

ORDINANCE NO. S-88-82

An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Fort Wayne, the issuance of connection revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said connection revenue bonds, other matters connected therewith and repealing ordinances inconsistent therewith

WHEREAS, the City of Fort Wayne has heretofore established, constructed and financed sewage works pursuant to Chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session), and now owns and operates said sewage works pursuant to I.C. 36-9-23 (the "Act"); and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, now finds that said sewage works is in need of certain additions and improvements to construct interception sewers being partially financed by federal and state grants; that plans and specifications for said additions and improvements have been approved by said Council and by all governmental authorities having jurisdiction, particularly the Stream Pollution Control Board of the State of Indiana; and

WHEREAS, the Board of Public Works and Safety has advertised for and received bids for the construction of said additions and improvements; that said bids are subject to the City's determination to construct said works and subject to the City's obtaining funds to pay for said works; that on the basis of said bids the cost of said works, over and above the amounts available from said federal and state grants, to be financed by revenue bonds, as outlined at I.C. 36-9-23-11, including funded reserves and estimated incidental expenses, is in the amount of Four Million Dollars (\$4,000,000); and

WHEREAS, the Common Council finds that the cost of said additions and improvements cannot be provided for out of funds of the sewage works now on hand or to be received prior to the completion thereof; that funds to apply on the cost should be provided by the issuance of additional revenue bonds payable

solely out of the net revenues of the City's sewage works; that the financial advisor to the City of Fort Wayne has advised that reserves in the amount of \$600,000 funded by bond proceeds are necessary expenses in financing the works and that the engineer has included those reserves in the estimate of the aforementioned cost of the works; and

WHEREAS, the Common Council intends that the connection fees of approximately 2,350 resident users of the sewage works will be applied to payment on the bonds and that said fees will legally be classified as net revenues pursuant to I.C. 36-9-23-29; and

WHEREAS, the Common Council finds that there are now outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds," (hereinafter the "1959 Bonds") dated November 1, 1959, now outstanding in the amount of One Million Eighty-five Thousand Dollars (\$1,085,000), bearing interest at the rates of three and seven-eighths percent ($3\frac{7}{8}\%$) or three and one-quarter percent ($3\frac{1}{4}\%$) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1990 inclusive, which bonds constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1961," (hereinafter the "1961 Bonds") dated August 1, 1961, now outstanding in the amount of One Million One Hundred Ninety Thousand Dollars (\$1,190,000), bearing interest at the rate of three and three-quarters percent ($3\frac{3}{4}\%$) per annum, maturing on August 1 in the years 1982 to 1993 inclusive, which bonds are on a parity with the 1959 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1970," (hereinafter the "1970 Bonds") dated April 1, 1970, now outstanding in the amount of Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000), bearing interest at the rates of six and seven-tenths percent (6.7%), six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%), six and nine-tenths percent (6.9%) or seven percent (7.0%) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1995 inclusive, which bonds are on a parity with the 1959 Bonds and 1961 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1975," (hereinafter the "1975 Bonds") dated January 1, 1975, now outstanding in the amount of Six Million Fifty Thousand Dollars (\$6,050,000), bearing interest at the rates of six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%) or five percent (5%) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1997 inclusive, which bonds are on a parity with the 1959 Bonds, 1961 Bonds and 1970 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the ordinances authorizing the issuance of the now outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds permit the issuance of additional bonds ranking on a parity with said bonds provided certain conditions can be met; and the City finds that the finances of said sewage works are such as will enable meeting the conditions for the issuance of additional parity bonds and that, accordingly, the additional

revenue bonds shall be on a parity with the now outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds; and

WHEREAS, the Common Council finds that certain bonds may be issued at approximately the same time as the bonds to be issued hereunder which bonds are tentatively designated "Sewage Works Revenue Bonds of 1982" (hereinafter the "1982 Bonds") and which bonds will also rank on a parity with the 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said additional revenue bonds have been complied with in accordance with the provisions of the Act hereinbefore referred to; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City proceed with the construction of additions and improvements to its sewage works in accordance with the plans and specifications heretofore or from time to time prepared and filed by City engineers, which plans and specifications are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk of the City of Fort Wayne, Indiana, and are open for public inspection pursuant to I.C. 36-1-5-4, that the cost of construction of said additions and improvements, including the funding of a debt reserve in the amount of \$600,000 and the cost of issuance shall not exceed the sum of Four Million Dollars (\$4,000,000) without further authorization from this Common Council. The terms "sewage treatment works," "works," and other like terms where used in this ordinance shall be construed to mean and include all structures and property of the City's sewer utility, including items defined at I.C. 36-9-1-8. Said additions and improvements to the sewage works shall include facilities to construct interceptor sewers being partially financed by federal and state grants and shall be

constructed in accordance with the plans and specifications heretofore mentioned, which plans and specifications are hereby approved. Said additions and improvements shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the provisions of I.C. 36-9-23, and all acts supplemental thereto, relating to the issuance of revenue bonds, hereinafter sometimes referred to as the "Act" or "Acts."

Sec. 2. The City shall issue its sewage works revenue bonds in the amount of Four Million Dollars (\$4,000,000) for the purpose of procuring funds to apply on the cost of said works, including the funding of a debt reserve in the amount of \$600,000 and the cost of issuance. Any provisions of this ordinance to the contrary notwithstanding, said bonds shall rank on a parity with the outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds and, if issued, the 1982 Bonds.

Said bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000), numbered consecutively from 1, dated as of the first day of the month in which sold, and shall bear interest at a rate or rates not exceeding fourteen percent (14%) per annum (the exact rate or rates to be determined by bidding), payable on the first days of February and August in each year, beginning August 1, 1982. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in lawful money of the United States of America, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City and State of New York, and such bonds shall mature serially in numerical order on August 1 in the years and amounts as follows:

Year	Amount	Year	Amount
1985	\$ 60,000	1993	\$170,000
1986	70,000	1994	195,000
1987	80,000	1995	220,000
1988	90,000	1996	360,000
1989	100,000	1997	410,000
1990	115,000	1998	825,000
1991	130,000	1999	940,000
1992	150,000	2000	85,000

The bonds of this issue are not redeemable prior to maturity.

Sec. 3. Said bonds shall be signed in the name of the City of Fort Wayne by manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the City Controller and attested by the manual or facsimile signature of the Clerk, who shall affix the seal of said City to each of said bonds manually or shall have the seal imprinted or impressed thereon by facsimile or by any other means. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of the Mayor and City Controller, and said officials, by the signing of said bonds, shall adopt as and for their own proper signatures their facsimile signatures appearing on said coupons. Said bonds may, where appropriate, bear the manual or facsimile signatures of validly appointed Deputy officials. Said bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Said bonds shall be negotiable by delivery unless registered. Upon presentation of any of the bonds at the office of the City Controller in the City of Fort Wayne, said City Controller shall register said bonds as to principal without charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on such bond, but bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of any bond shall not affect

the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

Said bonds, the 1959 Bonds, 1961 Bonds, 1970 Bonds, 1975 Bonds, and, if issued, the 1982 Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City, including the works heretofore constructed and all additions and improvements thereto and replacements thereof presently or subsequently constructed or acquired. The City shall not be obligated to pay said bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Sec. 4. The form and tenor of said bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

UNITED STATES OF AMERICA

State of Indiana

County of Allen

No. _____

\$5,000

CITY OF FORT WAYNE
SEWER CONNECTION REVENUE BOND OF 1982

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered, then to the registered holder, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of August, _____ and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ percent
(____%) per annum, payable on the first days of February and August in each year, beginning on

August 1, 1982, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City of New York.

This bond is one of an authorized issue of eight hundred (800) bonds of the City of Fort Wayne, of like date, tenor and effect, except as to numbering, interest rates, and dates of maturity, in the total amount of Four Million Dollars (\$4,000,000), numbered from 1 to 800 inclusive, issued for the purpose of providing funds to be applied on the cost of additions and improvements to the City's sewage works, including the funding of a debt reserve in the amount of \$600,000 and the cost of issuance, as authorized by an ordinance adopted by the Common Council of the City of Fort Wayne on the _____ day of _____, 1982, entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Fort Wayne, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said revenue bonds, other matters connected therewith and repealing ordinances inconsistent therewith," and in strict compliance with the provisions of I.C. 36-9-23.

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond and all other bonds of said issue, the Sewage Works Improvement Revenue Bonds, dated November 1, 1959, the Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, the Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, and certain Sewage Works Revenue Bonds of 1982 ("1982 Bonds") which may be issued by the City of Fort Wayne at approximately the same time as this bond and all other bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from the Sewage Works Sinking Fund, or, as to the 1982 Bonds, will be payable from the Sewage Works Sinking Fund (heretofore created by Ordinance No. 1939, adopted July 26, 1938, and continued by the ordinances authorizing the issuance of the aforementioned outstanding bonds) to be provided from the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City of Fort Wayne, including the additions and improvements constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond and the issue of which it is a part are of equal priority, in respect to the application of said net revenues, with certain Sewage Works Improvement Revenue Bonds, dated November 1, 1959, now outstanding in the amount of One Million Eighty-five Thousand Dollars (\$1,085,000), bearing interest at the rates of three and seven-eighths percent (3 7/8%) or three and one-quarter percent

(3 1/4%) per annum, depending on the maturities and maturing annually over a period ending on August 1, 1990, with certain Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, now outstanding in the amount of One Million One Hundred Ninety Thousand Dollars (\$1,190,000), bearing interest at the rate of three and three-quarters percent (3 3/4%) per annum, maturing annually over a period ending on August 1, 1993, with certain Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, now outstanding in the amount of Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000), bearing interest at the rates of six and seven-tenths percent (6.7%), six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%), six and nine-tenths percent (6.9%) or seven percent (7.0%) per annum, depending on the maturities, and maturing annually over a period ending on August 1, 1995 and with certain Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, now outstanding in the amount of Six Million Fifty Thousand Dollars (\$6,050,000), bearing interest at the rates of six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%) or five percent (5%) per annum, depending on the maturities, maturing annually over a period ending on August 1, 1997, in accordance with the terms thereof. This bond shall also be on a parity with the 1982 Bonds, if issued. This bond shall not constitute an indebtedness of the City of Fort Wayne within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The City of Fort Wayne irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal of and interest on the bonds authorized by said ordinance, of which this is one, and any bonds ranking on a parity therewith, including said Sewage Works Improvement Revenue Bonds, dated November 1, 1959, the Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, the Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, and the 1982 Bonds, if issued, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, to provide for proper depreciation, for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Acts and said ordinance. In the event the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in said I.C. 36-9-23 and the acts amendatory thereof and supplemental thereto, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City of Fort Wayne further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of said

works to meet (a) the interest on all bonds payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of all bonds payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into said sinking fund together with other sums to be held as reserves as provided in said ordinance. Such required payments shall constitute a first charge upon all the net revenues of said works on a parity with the aforementioned Sewage Works Improvement Revenue Bonds, dated November 1, 1959, Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970 and the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975 and the 1982 Bonds, if issued.

If any bond or interest coupon shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, an amount sufficient to pay such bond or interest coupon, as the case may be, and thereafter the holder shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

This bond and all other bonds of said issue shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana. This bond may be registered as to principal at the office of the City Controller in the City of Fort Wayne, Indiana, in the name of the owner hereof, and such registration noted hereon by said City Controller. Thereafter no transfer hereof shall be valid unless made at said office by the registered owner in person or by his duly authorized attorney and similarly noted hereon, but this bond may be discharged from registration by being in like manner transferred to bearer and may again from time to time be registered or transferred to bearer as before. Such registration shall not restrict or affect the negotiability of the interest coupons hereto attached by delivery only, but such interest coupons shall always be payable to bearer.

The bonds of this issue are not redeemable prior to maturity.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, countersigned by the manual or facsimile signatures of the City Controller, its corporate seal to be hereunto affixed manually, or imprinted or impressed thereon by facsimile or by any other means, and attested manually or by facsimile by its Clerk, and the interest coupons

hereto attached to be executed by placing thereon the facsimile signatures of the Mayor and City Controller, as of the first day of _____, 1982.

CITY OF FORT WAYNE

By _____
Mayor

Countersigned:

City Controller

Attest:

Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, _____, the City of Fort Wayne, Indiana, will pay to bearer, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City of New York, New York, out of its Sewage Works Sinking Fund, the amount shown hereon in lawful money of the United States of America, being the interest then due on its Sewage Works Revenue Bond of 1982, dated _____ 1, 1982, No. _____.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

City Controller

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk in the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sec. 5. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, Clerk and City Controller are hereby authorized and directed to execute said bonds and the interest coupons to be

attached thereto, in the form and manner herein provided. The City Controller or the Clerk are hereby authorized and directed to deliver said bonds to the purchaser thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the City Controller or the Clerk shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than the face value of said bonds, plus accrued interest from the date thereof to the date of delivery. The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City, payable out of the net revenues of the City's sewage works to be set aside into the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said additions and improvements to the sewage works hereinbefore referred to, funding a debt reserve in the amount of \$600,000 and the expenses necessarily incurred in connection therewith. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Sec. 7. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale in the News-Sentinel and the Journal-Gazette, the only newspapers published in the City of Fort Wayne, Indiana, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, all in accordance with I.C. 5-1-11 and I.C. 5-3-1. A notice of sale may also be published one time in The Indianapolis Commercial, and a notice or summary notice may also be published in The Bond Buyer in New York, New York. The bond sale notice shall state the time and place of sale, the

character and amount of the bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller or the Clerk and the attorneys employed by the City shall deem advisable and any summary notice may contain any information deemed so advisable. Said notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check in the amount of Forty Thousand Dollars (\$40,000) to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default; that bidders for said bonds will be required to name the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8) or one-tenth (1/10) of one percent (1%). ~~The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity and not more than four (4) different interest rates shall be named by a bidder.~~ No conditional bids will be considered. The opinion of Ice Miller Donadio & Ryan, bond counsel of Indianapolis, Indiana, approving the legality of said bonds, will be furnished to the purchaser at the expense of the City.

The bonds shall be awarded by the City Controller to the highest qualified bidder who has submitted his bid in accordance with the terms of this ordinance and the notice of sale. The highest bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable

bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which is lower than the highest bid received at the time of the advertised sale will be considered.

Sec. 8. The accrued interest and premium received at the time of the delivery of the bonds, if any, shall be deposited in the Sewage Works Sinking Fund heretofore created by Ordinance No. 1939, adopted July 26, 1938 and continued by the ordinances authorizing the issuance of the 1959 Bonds, the 1961 Bonds, the 1970 Bonds and the 1975 Bonds. Bond proceeds in the amount of \$600,000 will be deposited, pursuant to the advice of the City's financial advisor that such funding is a necessary expense of financing the works under I.C. 36-9-23-11 and the inclusion of that funding in the engineer's estimate of the cost of the works, in the Sewage Works Sinking Fund described in Section 9 hereof, which sum will be held as a debt service reserve therein and credited to the City's obligation thereunder to accumulate net revenues therein as a margin of safety. Said financial advisor has also advised the City that said reserve is reasonably required in order to enhance the marketability of the bonds and that, without this reserve, the bonds would be unmarketable or the interest rate demanded by investors would affect the economic feasibility of the project. The remaining proceeds from the sale of said bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as "City of Fort Wayne, Sewage Works Construction Account." All funds deposited to the credit of said Sewage Works Sinking Fund or Sewage Works Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly I.C. 5-13-1, and the acts amendatory thereof and supplemental thereto. ~~The depository or depositories for said~~

Sewage Works Sinking Fund shall be a bank which shall be a member of the Federal Reserve System and of the Federal Deposit Insurance Corporation, or like organizations having similar powers and duties. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the works, as defined in I.C. 36-9-1-8 and 36-9-23, or as otherwise required by said Acts, or for funding a debt reserve in the amount of \$600,000 or for the expenses of issuance of the bonds. The cost of obtaining the opinion of Ice Miller Donadio & Ryan shall be considered as a part of the cost of the project on account of which the bonds are issued, and shall be paid out of the proceeds of the bonds or out of the revenues of the sewage works.

The Common Council authorizes the insurance of the bonds with a municipal bond insurance company if the City Controller, acting on the advice of the City's financial consultant and engineer, finds that such insurance advisable and a necessary expense of financing the sewage works. The cost of obtaining said insurance shall be considered as a part of the cost of the project on account of which the bonds are issued, and shall be paid out of the proceeds of the bonds or out of other funds of the sewage works.

The City covenants that it will not invest the proceeds of said bonds, or any moneys treated as proceeds by the Internal Revenue Service, in any manner, or take or fail to take any other action, which would result in said bonds constituting "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

Any balance or balances remaining unexpended in such special account or accounts after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall be paid into the

Sewage Works Sinking Fund and shall be used solely for the purposes of said fund.

Sec. 9. The special fund designated "Sewage Works Sinking Fund" created by Ordinance No. 1939, adopted on July 26, 1938 and continued for the payment of the outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds is hereby designated as the special fund for the payment of the interest on and principal of the revenue bonds authorized by this ordinance and the payment of any fiscal agency charges in connection with the payment of the bonds and coupons. Said fund shall be continued until all of the bonds issued under said prior ordinances and this ordinance have been paid. There shall be set aside and paid into said Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the net revenues of said sewage works for the payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying said bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works as they fall due, and (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into said Sinking Fund. The term "net revenues" as used in this section shall be construed to mean the revenues after deduction only for the reasonable cost of operation, maintenance and repair. The monthly payments into the said Sinking Fund shall be in an amount equal to at least one-twelfth (1/12) of the amount required for such payments during the then next succeeding twelve (12) calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to said required monthly payments into the Sewage Works Sinking Fund, all of the

net revenues of said sewage works not used in making said required sinking fund payments shall be set aside and paid into said Sinking Fund monthly, as available, until there has been accumulated in said Sewage Works Sinking Fund, over and above said required payments but including the funded reserves and investment income thereon, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable during the then next succeeding twelve (12) calendar months. Said Fund shall be maintained at such levels, and additional amounts of net revenues shall be deposited in said Fund to the extent necessary to maintain such levels.

In no event shall any part of the Sewage Works Sinking Fund be used in purchasing bonds, except to the extent that the amount then in said Sinking Fund exceeds the amount required to pay the principal of the bonds payable therefrom which will mature within a period of twelve (12) calendar months next following the date of such purchase, together with all interest on the bonds payable. Any such excess of funds above said required levels may be used in purchasing outstanding bonds at a price less than the applicable price at maturity, if first approved by the Board of Public Works and Safety. Moneys in said Sinking Fund shall not be used for any other purpose whatsoever except as provided in this ordinance.

If the City shall, for any reason, fail to pay into said Sinking Fund the full amount and at the respective times above stipulated, then an amount equivalent to such deficiency shall be set apart and paid into said fund from the first available revenues and same shall be in addition to the minimum amounts otherwise herein provided to be so set apart and paid.

Withdrawals shall be made from the said Sinking Fund and remitted to the places of payment of the interest and principal to meet such payments when due and it is to be understood that appropriate arrangements will be made so that the coupons and bonds will be promptly paid when due and presented at any of the designated alternate places of payment.

The City covenants that it will not make any investment of moneys in said Fund in any manner, or take or fail to take any other action, which would result in the bonds constituting arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

The Sinking Fund, as aforesaid, shall be used solely and only and is hereby pledged for the purpose of paying principal of and interest on the bonds which by their terms are payable from said funds. Upon the delivery of said bonds and the receipt of the proceeds all sums received as accrued interest and premium, if any, shall be placed in the Sinking Fund.

Section 10. (a) The City covenants that the interception sewers constructed hereunder shall be suitable for use as local or lateral sewers abutting or adjoining property served by the works. The City further covenants that the connection fees shall be based on the pro rata cost of constructing said sewers.

(b) The Common Council hereby determines, pursuant to I.C. 36-9-23-29, that the proceeds of connection fees are to be used as net revenues of the sewage works and covenants that said net revenues shall hereinafter be used as provided herein and in the ordinances authorizing the issuance of the 1959 Bonds, 1961 Bonds, 1970 Bonds, 1975 Bonds and the 1982 Bonds, if issued.

Section 11. In the event that all required payments into the Sewage Works Sinking Fund have been met to date and there has been accumulated as a reserve in said Sewage Works Sinking Fund, including the bond proceeds deposited, over and above said payments, an amount equal to the respective sums required by Section 9, and there has been accumulated and reserved funds in an amount sufficient for operation, repair and maintenance of the works for the then next succeeding twelve (12) calendar months, and for depreciation, then any excess revenues of the works available may be placed in the Sewage Works Improvement

Fund. Moneys in said Fund may be used to pay the costs of improvements, betterments, extensions, enlargements and additions to the works. No revenues of the works shall be deposited in or credited to the Sewage Works Improvement Fund which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance and repair of the works and for depreciation. All or any portion of the funds accumulated and reserved for operation, repair and maintenance for the then next succeeding twelve (12) calendar months shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the bonds payable from said Sinking Fund.

Section 12. All revenues received on account of the sewage works shall be segregated and kept in a special fund separate and apart from all other funds of the City. Out of this fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid and the requirements of the Sewage Works Sinking Fund shall be met. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made and showing all revenues collected from said works and deposited in said fund, and all disbursements made therefrom on account of the operation of the works, and to meet the requirements on the Sewage Works Sinking Fund, also all other financial transactions relating to said works, including the amounts set aside or credited to the Sewage Works Sinking Fund and Sewage Works Improvement Fund, and the cash balance in each of said funds as of the close of the preceding fiscal year. There shall be prepared and furnished, upon written request, to the original purchaser of the bonds, and to any holder of the bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, income and expense and balance sheet statements of the works,

covering the preceding fiscal year, which annual statements shall be certified by the City Controller, or the person charged with the duty of auditing the books and records relating to said works, or by licensed independent public accountants employed for that purpose. Copies of all such statements and reports shall be kept on file in the office of the City Controller. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

Sec. 13. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the City, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by said governing Act and this ordinance. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, depreciation and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof as the charges accrue. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid semi-annually by the City or the various departments thereof as the charges accrue.

Sec. 14. If, prior to the maturity of the bonds issued hereunder, (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, to pay the whole amount of the principal and the interest due and payable at maturity upon all of the bonds and coupons then outstanding; then and in that case the bonds issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the net revenues of the City's sewage works.

Sec. 15. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.

(b) As of the date of issuance of such additional bonds, there shall have been accumulated and set aside funds in an amount sufficient for operation, repair and maintenance of the works for the then next succeeding twelve (12) calendar months, and the balance in the Sewage Works Sinking Fund shall equal not less than the reserve requirements set forth in Section 9 hereof.

(c) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this

ordinance shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant employed by the City for that purpose, who shall certify that he has no pecuniary interest in said additions, extensions or improvements or the financing thereof in any way whatsoever other than to analyze the records of said sewage works and to prepare said showings.

(d) The principal of said additional parity bonds shall be payable on August 1 and the interest on said additional parity bonds shall be payable semi-annually on February 1 and August 1 in the years in which such principal and interest are payable.

Sec. 16. For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

(a) All contracts let or hereinafter to be let by the City in connection with the construction of said additions and improvements to the sewage works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the

completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) Said additions and improvements shall be constructed under the supervision of the City's engineers. All estimates for work done or material furnished shall first be checked by the engineers and approved by the City.

(c) The City shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the bonds herein authorized are outstanding, the City shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose shall be treated and applied as net revenues of the works.

(e) So long as any of the bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except replaced equipment which may become worn out or obsolete.

(f) Except as hereinbefore provided in Section 14 hereof, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except

such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized are retired or defeased pursuant to Section 14 hereof coincidentally with the delivery of such additional bonds or other obligations.

(g) The City shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(h) The provisions of this ordinance shall constitute a contract by and between the City of Fort Wayne and the holders of the sewage works revenue bonds herein authorized, and after the issuance of said bonds, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remain unpaid. Nothing in Section 16 hereof shall be construed as violating this provision.

(i) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes herein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Bond Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The holders of said bonds shall have all of the rights, remedies and privileges

set forth in the provisions of the governing Acts hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any of the provisions of this ordinance or the governing Acts.

Sec. 17. Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City. No holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Sec. 18. The estimate of the rates and charges is:

Article VI. User ChargesSec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classifications:

	<u>Service Charge (cents per 100 cu. ft.)</u>	
	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	18.74	18.74
Conveyance, Collection, Billing	18.23	11.88
Capital	<u>11.73</u>	<u>8.88</u>
Total User Charge	48.70	39.50

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27 does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.43
1 - 1/2"	8.58
2" 17.51	
3" 35.18	
4" 58.48	
6" or larger	162.44

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.87	\$ 5.84
Domestic User - Multi-Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges

for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

Sec. 24-29A. Special Capital Surcharge.

Each user discharging wastes into the sewage systems acquired by the City of Fort Wayne, Indiana, from and located in St. Joseph Township and Adams Township, Allen County, Indiana, as well as all future extensions thereof shall be subject to and shall pay a special capital surcharge in the amount of \$4.65 per month in addition to all other sewer service charges or other charges imposed by this Ordinance. Said capital surcharge shall be collected from said users until such time as the principal of and all interest and other costs arising from the borrowing of funds by the City for the acquisition of said sewer system shall have been paid in full from the total of the capital surcharge herein imposed.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	18.74
Capital Charge	<u>11.76</u>
30.50	

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.55 and a monthly surveillance charge of \$82.20.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contributes waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	Cents Per Pound
Suspended Solids - (SS)	3.931
Biochemical Oxygen Demand - (BOD)	3.926
Phosphorus - (P)	37.619

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204(b)(1) Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to Plant - \$163.00 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.85 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes SurchargeSec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents

a. For suspended solids (SS)	3.931 cents per pound
b. For biochemical oxygen demand - (BOD)	3.926 cents per pound
c. For phosphorus (P)	37.619 cents per pound

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$82.20 per discharge point.

Sec. 19. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the issuance of the 1959 Bonds, the 1961 Bonds, the 1970 Bonds or the 1975 Bonds, or the 1982 Bonds, if issued, nor be construed as adversely affecting the rights of the holders of the aforementioned outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds or the 1975 Bonds or 1982 Bonds, if issued.

Sec. 20. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Paul M. Burns

Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg,
Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 5-25-82 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ordinance No. S-88-82 on the 25th day of May, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-06 *(as amended)*ORDINANCE NO. S-86-82

An Ordinance concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition of water facilities by the municipal waterworks of the City of Fort Wayne, authorizing the issuance of revenue bonds to provide for the cost thereof, matters connected therewith and repealing ordinances in conflict therewith.

WHEREAS, the City of Fort Wayne is the owner of and operates an unencumbered waterworks system furnishing the public water supply to said City and its inhabitants; and

WHEREAS, the Common Council of the City of Fort Wayne, having the management of said waterworks, determined that said waterworks should acquire certain water facilities in order to furnish better service to the inhabitants of the City; and

WHEREAS, the City approved said acquisition in Ordinance No. S-115-81 and said acquisition was approved by Order of the Public Service Commission of the State of Indiana, dated July 15, 1981 in Cause No. 36500;

WHEREAS, the City is indebted for said acquisition in the amount of \$1,440,000 and desires to refund that indebtedness; and

WHEREAS, the cost of said refunding will be in the approximate amount of One Million, Four Hundred Forty Thousand Dollars (\$1,440,000), including all incidental expenses necessary to be incurred in connection therewith and in connection with the issuance of bonds on account thereof; and

WHEREAS, the Common Council now finds that said indebtedness is subject to prepayment at any time and that it would be advantageous to the City to refund said indebtedness; and

WHEREAS, the Common Council of the City of Fort Wayne finds that funds required for said refunding should be provided, subject to the jurisdiction of the Public Service Commission, by the issuance and sale of revenue bonds payable solely out of the revenues of said waterworks and not constituting a general obligation of the City; and

WHEREAS, the City has outstanding certain Waterworks Revenue Bonds of 1967 (the "1967 Bonds") in the amount of Two

Million Four Hundred Five Thousand Dollars (\$2,405,000), bearing interest at the rate of five percent (5%) per annum and maturing annually over a period ending January 1, 2000, which bonds constitute a first charge upon a portion of the gross revenues of the waterworks and are on a parity with the hereinafter described 1968 Bonds and the hereinafter described 1973 Bonds; and

WHEREAS, the City also has outstanding certain Waterworks Revenue Bonds of 1968 (the "1968 Bonds") in the amount of Two Million Six Hundred Five Thousand Dollars (\$2,605,000), bearing interest at the rates of five and one half percent (5 1/2%) or five and four tenths percent (5.4%) per annum, depending on the maturities, and maturing annually over a period ending January 1, 2000, which bonds constitute a first charge upon a portion of the gross revenues of the waterworks and are on a parity with the 1967 Bonds and the hereinafter described 1978 Bonds; and

WHEREAS, the City also has outstanding certain Waterworks Revenue Bonds of 1978 (the "1978 Bonds") in the amount of Seventeen Million Fifteen Thousand Dollars (\$17,015,000), bearing interest at the rates of six and three quarters percent ($6\frac{3}{4}\%$) per annum, six percent (6%) per annum and six and one half percent ($6\frac{1}{2}\%$) per annum, depending on the maturities, and maturing annually over a period ending January 1, 2003, which bonds constitute a first charge upon a portion of the gross revenues of the waterworks and are on a parity with the 1967 Bonds and the 1968 Bonds; and

WHEREAS, the ordinances authorizing the issuance of the abovementioned now outstanding bonds, provide for the issuance of additional bonds on a parity with the outstanding bonds provided certain parity tests are met, but the refunding bonds to be issued hereunder do not meet said requirements and therefore must be junior and subordinate to said outstanding bonds; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds to provide the necessary funds to be applied on the cost of refunding said indebtedness have been complied with in accordance with the provisions of the governing statutes; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), being the owner of and engaged in operating an unencumbered waterworks system supplying the City and its inhabitants with water, now provide for refunding a short term indebtedness, incurred by the City to provide funds to pay for an acquisition of water facilities by the municipal waterworks, from the revenues and receipts of such waterworks pursuant to and in the manner prescribed in I.C. 19-3-17 and I.C. 5-1-6 and all acts amendatory thereof or supplemental thereto (sometimes hereinafter referred to as the "Acts"); provided, however, that the additional revenue bonds authorized by this ordinance shall be junior and subordinate in all respects to the 1967 Bonds, the 1968 Bonds and the 1978 Bonds and none of the provisions of this ordinance shall be so construed as to affect the rights of the holders of said outstanding bonds. The terms "waterworks," "water system," "system," and "waterworks system," where used in this ordinance shall be construed to mean and include the existing waterworks system owned by the City of Fort Wayne, and all extensions, additions and improvements thereto and replacements thereof subsequently constructed or acquired.

Section 2. The proper officers of the City are hereby authorized to proceed with the refunding of the outstanding indebtedness, in conformity with the provisions of this ordinance and of said Acts, subject, however, to the approval of the Public Service Commission for the issuance of the required amount of revenue bonds and as to other matters. The proper

officers of the City are hereby authorized to file or cause to be filed a proper petition or petitions with the Public Service Commission for the purpose of obtaining the required approval of said Commission. The principal and interest of the bonds issued on account of such refunding shall be paid solely and exclusively from the revenues of said waterworks system and shall not constitute a general obligation of the City. The income and revenues hereinafter referred to are currently being set aside into a fund pursuant to the ordinances authorizing the issuance of the 1967 Bonds, the 1968 Bonds and the 1978 Bonds.

Section 3. Beginning as of the date of issuance of the bonds herein authorized, the income and revenues of the existing waterworks, together with the income and revenues of all extensions, additions, improvements thereto and replacements thereof made subsequently, shall continue to be set aside into said separate and special fund, and shall be used and applied in the maintenance and operation thereof, in establishing a depreciation account, and for payment of the bonds and the interest thereon which are payable from the revenues of the waterworks. From and after the date on which the new schedule of water rates to be adopted becomes effective, the proportion of the gross revenues of said waterworks that shall be paid into the several accounts of said special fund, as provided by said Acts, is hereby fixed and determined as follows:

(a) Operation and Maintenance Account. Sixty-one percent (61%) of the gross revenues of said waterworks shall be paid into the "Operation and Maintenance Account," and shall be used to pay the necessary cost of the reasonable and proper operation and maintenance of the waterworks, including any taxes required to be paid. The sum so set aside for operation and maintenance shall be applied exclusively to that purpose until a surplus shall have been accumulated in the Operation and Maintenance Account which shall be equal to the cost of maintaining and operating the waterworks during the remainder of the calendar, operating or fiscal year then current and the cost of maintaining and operating the waterworks during the calendar, operating or fiscal year then next ensuing. Any excess over such surplus may be transferred by the Common Council to either the Depreciation Account or the Bond and Interest Redemption Account.

(b) Depreciation Account. Ten percent (10%) of the gross revenues of said waterworks shall be paid into the "Depreciation Account," and shall be expended in making good depreciation in the waterworks, or in new construction, extensions or additions to the property of the waterworks. Any accumulations in such Depreciation Account not required for immediate use may be invested in direct obligations of the United States Government, and if so invested the income from the investment shall accrue to the Depreciation Account. Said account shall not be used for any purpose other than as herein provided.

(c) Bond and Interest Redemption Account. Twenty-nine percent (29%) of the gross revenues of the waterworks shall, as such revenues are received, be set apart and paid into a special account to be identified as the "Bond and Interest Redemption Account." The funds in said account shall be used in the following order:

(1) solely for the purpose of paying the interest on and principal of the 1967 Bonds, the 1968 Bonds and the 1978 Bonds which, by their terms, are payable from the revenues of the waterworks and any bonds hereafter issued ranking on a parity therewith, to the extent required for that purpose; and

(2) the Bonds issued pursuant to the provisions of this ordinance, which by their terms, are payable from the revenues of the waterworks and are junior and subordinate to the 1967 Bonds, the 1968 Bonds and the 1978 Bonds, and any bonds hereafter issued ranking on a parity therewith, to the extent required for that purpose.

If and when a surplus shall be created in said Bond and Interest Redemption Account which shall be in excess of the

interest on and principal of the bonds, plus ten percent (10%) of the principal and interest payable during the then current calendar, operating or fiscal year, together with the amount of interest on and principal of all bonds which will become due and payable during the calendar, operating or fiscal year then next ensuing, then the Common Council may transfer any excess over such surplus to either the Operation and Maintenance Account or to the Depreciation Account. The Common Council may also direct that any such excess over such surplus shall be used in the purchase of outstanding bonds. No further payments need be made into the Bond and Interest Redemption Account when the funds therein equal or exceed the amount of the principal of the bonds then outstanding and interest thereon to the maturity date thereof. Funds necessary to pay the principal of and interest on outstanding bonds shall be remitted promptly to the paying agent, bank or banks therefor on or prior to the due dates for the payment of interest and principal.

All of the funds of said several accounts shall be deposited in lawful depositories of the City, and shall be continuously held, secured or invested as provided by the laws of Indiana relating to the depositing, securing, holding or investing of public funds. The funds in said Bond and Interest Redemption Account shall be kept in a separate bank account apart from all other bank accounts of the City. In no event shall any of the revenues of said waterworks be transferred or used for any purpose not authorized by this ordinance and no transfers to the general fund or any similar fund of the City shall be made so long as any of the bonds issued pursuant to the provisions of this ordinance shall be outstanding.

The City covenants that it will not make any investment of moneys in said respective Accounts in any manner, or take or fail to take any other action, which would result in the bonds constituting arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the

Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

Section 4. For the purpose of procuring funds with which to pay the cost of said refunding and issuance expenses, the City of Fort Wayne shall issue its revenue bonds under and pursuant to the provisions of this ordinance and said Acts, which bonds shall be payable only out of of the special Bond and Interest Redemption Account herein provided for, subject to the prior servicing of the 1967 Bonds, the 1968 Bonds, and the 1978 Bonds in accordance with the respective terms thereof, and shall be designated as "Junior Waterworks Refunding Revenue Bonds of 1982." Said Junior Waterworks Refunding Revenue Bonds

of 1982 shall be in a principal amount not exceeding One Million, Four Hundred Forty Thousand Dollars (\$1,440,000.00), in the denomination of Five Thousand Dollars (\$5,000.00) each, numbered consecutively from 1 to 288, inclusive, dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate or rates not exceeding fourteen percent (14%) per annum, the exact rate or rates to be determined by bidding, which interest shall be payable semi-annually on January 1 and July 1 in each year, beginning on January 1, 1983, and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or, at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturer's Hanover Trust Company in the Borough of Manhattan, City and State of New York, in lawful money of the United States of America, and said bonds shall mature serially on January 1 in the amounts as follows:

<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>	<u>Years</u>	<u>Amounts</u>
1984	\$ 20,000	1990	\$40,000	1996	\$ 90,000
1985	20,000	1991	45,000	1997	100,000
1986	25,000	1992	50,000	1998	115,000
1987	25,000	1993	60,000	1999	130,000
1988	30,000	1994	65,000	2000	150,000
1989	35,000	1995	75,000	2001	170,000
				2002	195,000

The bonds of this issue shall not be redeemable prior to maturity.

Section 5. Said bonds shall be executed in the name of the City of Fort Wayne by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the City Controller and shall be attested manually or by facsimile signature by the Clerk, who shall affix, imprint or impress by any means the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of the Mayor and the City Controller and said officials, by the signing of said bonds, shall acknowledge as and for their proper signatures the facsimile signatures appearing on said coupons. In case any officer whose signature appears on the bonds and coupons shall cease to be such officer before the delivery of such bonds, his signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. Said bonds may, where appropriate, bear the manual or facsimile signatures of validly appointed Deputy officials.

Said bonds shall be negotiable by delivery unless registered. Upon presentation of the bonds at the office of the City Controller in the City of Fort Wayne, said City Controller shall register said bonds as to the principal thereof, without charge or expense to the holder. Such registry shall be noted on the bonds, after which no transfer thereof will be valid unless made by the registered owner in person or by his attorney duly authorized, and similarly noted on the bonds, but said bonds may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery, but may again be registered as before. The registration of any bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

Section 6. The form and tenor of said bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon, shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA

State of Indiana

County of Allen

No. _____

\$5,000

CITY OF FORT WAYNE
JUNIOR WATERWORKS REFUNDING REVENUE BONDS OF 1982

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of January, _____, and to pay interest thereon from the date hereof until the principal is paid at the rate of _____ percent (____%) per annum, payable semi-annually on the first day of January and July in each year, beginning January 1, 1983, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturer's Hanover Trust Company in the Borough of Manhattan, City and State of New York.

This bond is one of an authorized issue of Two Hundred Eighty-eight (288) bonds of the City of Fort Wayne, of like date, denomination, tenor and effect, except as to numbering, interest rates and dates of maturity, in the total amount of One Million, Four Hundred Forty Thousand Dollars (\$1,440,000), numbered consecutively from 1 to 288, inclusive, issued for the purpose of providing funds to refund a short term indebtedness incurred to pay the cost of acquisition of water facilities by the municipally owned waterworks of said City pursuant to an ordinance passed by the Common Council of said City on _____, 1982, entitled "An Ordinance concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition of water facilities by the municipal waterworks of the City of Fort Wayne, authorizing the issuance of revenue bonds to provide for the cost thereof, matters connected therewith and repealing ordinances in conflict therewith," and in strict compliance with the provisions of the governing statutes, particularly I.C. 19-3-17 and I.C. 5-1-6, and all Acts amendatory thereof or supplemental thereto.

The principal of and interest on this bond, and all other bonds of said issue, together with any bonds hereafter issued ranking on a parity therewith, are equally and ratably secured by twenty-nine percent

(29%) of the gross income and revenues of said waterworks as the same now exist or may hereafter be improved and extended, which percentage of such income and revenues is to be deposited in a special fund to be known as the "Bond and Interest Redemption Account," which has heretofore been duly created, all subject, however, to the prior payment in accordance with the terms thereof of the interest on and principal of certain now outstanding Waterworks Revenue Bonds of 1967, bearing interest at the rate of five percent (5%) per annum, issued under date of November 1, 1967, now outstanding in the principal amount of Two Million Four Hundred Five Thousand Dollars (\$2,405,000) and maturing on January 1, of each year to and including January 1, 2000, and constituting a first charge upon the revenues allocated to said Bond and Interest Redemption Account, and further, subject to the prior payment in accordance with the terms thereof of the interest on and principal of certain now outstanding Waterworks Revenue Bonds of 1968, bearing interest at the rates of five and one-half percent (5-1/2%) per annum, and five and four-tenths percent (5.4%) per annum, depending on the maturities, issued under date of December 1, 1968, now outstanding in the principal amount of Two Million Six Hundred Five Thousand Dollars (\$2,605,000) and maturing on January 1 of each year to and including January 1, 2000, and also constituting a first charge upon the revenues allocated to said Bond and Interest Redemption Account which ranks on a parity with the Waterworks Revenue Bonds of 1967, and further, subject to the prior payment in accordance with the terms thereof of the interest on and principal of certain now outstanding Waterworks Revenue Bonds of 1978, bearing interest at the rates of six and three-quarters percent (6-3/4%) per annum, six percent (6%) per annum, and six and one half percent (6-1/2%) per annum, depending on the maturities issued under the date of December 1, 1978, now outstanding in the principal amount of Seventeen Million Fifteen Thousand Dollars (\$17,015,000) and maturing on January 1 of each year to and including January 1, 2003 and also constituting a first charge upon the revenues allocated to said Bond and Interest Redemption Account which ranks on a parity with the Waterworks Revenue Bonds of 1967 and the Waterworks Revenue Bonds of 1968. The City shall not be obligated to pay said bonds or the interest thereof except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue are not redeemable.

The City covenants that it will, to the fullest extent permitted by law, fix, maintain and collect an aggregate of rates and charges for the services rendered by said waterworks which will be sufficient to pay all costs of operation and maintenance of said waterworks, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of all bonds which by their terms are payable from the revenues of the waterworks, and that it will in all other respects faithfully comply with all of the provisions of the governing statutes pursuant to which this bond is issued. In the event the City shall make any default in the payment of the principal of or interest on this

bond, the holder hereof shall have all of the rights and remedies provided by the governing statutes, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest hereon.

This bond and all other bonds of said issue shall in the hands of bona fide holders, have all of the qualities of negotiable instruments under the laws of the State of Indiana. This bond may be registered in the name of the owner, in the manner and with the effect provided in said ordinance, but unless registered shall pass by delivery. The interest coupons attached hereto shall at all times pass by delivery. It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the duly elected, qualified and acting Mayor, countersigned by the manual or facsimile signature of its duly appointed City Controller, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its duly elected, qualified and acting Clerk-Treasurer, and the interest coupons hereto attached to be executed by placing thereon the facsimile signatures of said Mayor and City Controller, all as of the first day of _____, 1982.

CITY OF FORT WAYNE

By: _____

Mayor

Countersigned: _____

City Controller

Attest: _____

Clerk-Treasurer

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, _____, the City of Fort Wayne, Indiana, will pay to bearer, at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturer's Hanover Trust Company in the Borough of Manhattan, City and State of New York, out of its Waterworks Bond and Interest Redemption Account, the amount shown hereon in lawful money of the United States of America, being the interest then due on its

Junior Waterworks Refunding Revenue Bonds of 1982, dated _____ 1, 1981, No. _____.

CITY OF FORT WAYNE

By: _____ (facsimile)
Mayor

City Controller (facsimile)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the City Controller of the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 7. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and Clerk are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The City Controller is hereby authorized to sell said bonds at public sale. The City Controller shall cause to be published a notice of sale twice, at least one week apart, with the first publication being at least fifteen days prior to the sale and the second publication being at least three days prior to the sale in accordance with I.C. 5-1-11 and I.C. 5-3-1. The notice shall be published in the News-Sentinel and in the Journal Gazette, the only newspapers of general circulation published in Fort Wayne and may be published one time in the Indianapolis Commercial published in the City of Indianapolis, Indiana. A summary notice may be published in the Bond Buyer published in the City of New York, New York. Said notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check in the amount of Fifteen Thousand Dollars (\$15,000) to guarantee performance on the part of the

bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions on which bids will be received and the sale made, and shall set out such other information as the City Controller, acting on the advice of the City Attorney and bond counsel, shall deem necessary and any summary notice may contain any information deemed so advisable.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office. Bidders shall be required to name the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore fixed. Such interest rate or rates shall be in multiples of one-eighth ($1/8$) or one-tenth ($1/10$) of one percent (1%). ~~Not more than four (4) different interest rates shall be named, but all bonds maturing on the same date must bear the same rate of interest. A rate may be repeated without being considered a different rate. The rate bid on any maturity shall be equal to or greater than the rate bid on the immediately preceding maturity.~~ There shall not be more than one interest coupon for any coupon period on any bond. The City Controller shall award the bonds to the highest qualified bidder. The highest bidder shall be the one who offers the lowest interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest to the date of delivery, shall be considered. The City Controller shall have the right

to reject any and all bids, and in the event no satisfactory bids are received, the City Controller shall be authorized to continue the sale from day to day for a period of thirty (30) days without readvertisement; provided, however, that if said sale be continued no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds to the purchaser thereof, the City Controller shall obtain a legal opinion as to the validity of the bonds from Ice Miller Donadio & Ryan, acting as bond counsel for the City, and shall furnish such opinion to the purchaser of the bonds. The fee of such bond counsel shall be considered as part of the cost of the refunding on account of which said bonds are issued and shall be paid out of the proceeds of said bonds.

The Common Council authorizes the insurance of the bonds with a municipal bond insurance company if the City Controller, acting on the advice of the City's financial consultant, finds such insurance advisable, in the best interest of the City and necessary, convenient or desirable to make the bonds issued hereunder more marketable. The cost of obtaining said insurance shall be considered as a part of the cost of the project on account of which the bonds are issued, and shall be paid out of the proceeds of the bonds or out of other funds of the water works.

The City covenants that it will not invest the proceeds of said bonds, or any moneys treated as proceeds by the Internal Revenue Service, in any manner, or take or fail to take any other action, which would result in said bonds constituting "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

Section 8. In the event it shall be hereafter determined that it is not necessary to issue all of the bonds authorized

by this ordinance, or the Public Service Commission of Indiana shall not approve the issuance of said total amount of bonds, the City Controller shall be authorized to sell and deliver a lesser amount of bonds than herein authorized, in which case the bonds not sold or delivered shall be of the last maturity or maturities.

The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding and special revenue obligations of the City, payable out of the income and revenues of the waterworks system of said City according to their tenor and effect, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for the purpose of paying the cost of refunding the indebtedness incurred for payment for the acquisition of water facilities by said municipal waterworks and the expenses necessarily incurred in connection therewith, including the expenses incurred in connection with the issuance and sale of the bonds. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do all acts and things which may be necessary to carry out the provisions of this ordinance.

Section 9. Any accrued interest and any premium received at the time of the delivery of the bonds shall be deposited in the Bond and Interest Redemption Account heretofore duly created. The remaining proceeds from the sale of the bonds shall be used immediately to refund the aforementioned short term indebtedness and to pay costs of issuance incidental to the bond issue.

Section 10. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said waterworks and deposited in the special accounts heretofore established and all disbursements made therefrom and all transactions relating to said waterworks. There shall be prepared and furnished to the original purchaser of the bonds, and, upon written request,

to any holder of the bonds, not more than sixty (60) days after the close of each annual fiscal period, complete operating and income statements and balance sheets of the waterworks, in reasonable detail, covering such annual fiscal period together with a statement of the balances as of the close of such fiscal year in each of the accounts hereinbefore referred to in this ordinance, which statements shall be prepared by an independent certified public accountant. Said annual statements shall also include a statement as to the number of customers of the waterworks at the close of said fiscal year and the number at the end of the preceding year, and comments of said accountant relative to the manner in which the City has carried out the requirements of this ordinance and any other ordinances authorizing then outstanding bonds. The fees or charges of such accountant shall be deemed to be a cost of operation and maintenance of the waterworks. Copies of all such statements and reports shall at all times be kept on file in the office of the City Controller. Any holder of the bonds or representative of any holder duly authorized by written instrument shall have the right at all reasonable times to inspect the waterworks and the records, accounts and data of the City relating thereto.

Section 11. The City shall, to the fullest extent permitted by law, establish, maintain and collect reasonable and just rates and charges for the services and facilities afforded by said waterworks which will provide revenues at least sufficient to pay the reasonable and proper cost of the maintenance and operation of the waterworks, to provide a proper and reasonable depreciation account, and to pay the principal of and interest on all bonds payable from the revenues of the waterworks as the same become due and provide a surplus or margin of ten percent (10%) of the principal and interest due each year, which shall be cumulative. So long as any of the bonds herein authorized are outstanding, none of the facilities and service afforded by said waterworks shall be furnished without a reasonable and just charge being made

therefor. The reasonable value of any facility or service rendered to the City, or to any department, agency or instrumentality thereof, including the use of water for hydrants for fire protection or for any other purpose, shall be charged against the City and shall be paid for as the charges accrue, and the revenue so received shall be deemed to be revenue derived from the operation of the waterworks and shall be used and accounted for in the same manner as other revenues derived from the operation of the waterworks.

Section 12. If, prior to the maturity of the bonds issued hereunder, (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such

purpose, to pay the whole amount of the principal and the interest due and payable at maturity upon all of the bonds and coupons then outstanding; then and in that case the bonds issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the percentage of gross revenues of the City's waterworks established in Section 3(c).

Section 13. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of the waterworks, of equal priority with the bonds authorized by this ordinance for the purpose of financing the cost of future additions, extensions and improvements to the waterworks, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required

payments into the Bond and Interest Redemption Account have been made in accordance with the provisions of this ordinance.

(b) (i) The amount of gross revenues of the waterworks allocated by Section 3(c) of this ordinance to and deposited in the Bond and Interest Redemption Account in the calendar year immediately preceding the issuance of any such additional parity bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or

(ii) Prior to the issuance of said parity bonds, the proportion of the gross revenues allocated to said Bond and Interest Redemption Account shall be increased sufficiently so that said increased proportion applied to the previous calendar year's gross revenues would have produced revenues in said Bond and Interest Redemption Account for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or

(iii) Prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently and the proportion of gross revenues allocated to said Bond and Interest Redemption Account increased sufficiently so that said increased water rates and charges applied to the previous calendar year's operations would have produced gross revenues in an amount so that the proportion allocated to said Bond and Interest Redemption Account for said year would have equaled not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued.

For purposes of this subsection, the records of the waterworks shall be analyzed and all showings shall be prepared by a

certified public accountant employed by the City for that purpose.

(c) To the extent required by law, the issuance of the proposed additional parity bonds and any necessary increase in water rates and charges shall have been approved by the Public Service Commission of Indiana, and said Commission shall have certified that the income and revenues of the waterworks, after providing for operation and maintenance and depreciation, will be sufficient to pay the principal and interest of all bonds payable from the revenues of the waterworks, including the additional parity bonds proposed to be issued.

(d) The principal on such additional parity bonds shall be payable on January 1 in the years in which principal is payable, and the interest on said bonds shall be payable semi-annually on January 1 and July 1 in the years in which said interest is payable.

Section 14. For the purpose of further safeguarding the interests of the holders of the bonds, it is specifically provided as follows:

(a) The City shall, at all times, maintain said waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the bonds herein authorized are outstanding, the City shall maintain insurance on the insurable parts of the waterworks of a kind and in an amount such as is usually carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business in the State of Indiana, and any insurance proceeds collected shall be used in replacing the property destroyed or damaged.

(c) So long as any of the bonds herein authorized are outstanding, the City shall not mortgage, pledge or otherwise encumber its waterworks or any part thereof, and shall not sell, lease or otherwise dispose of any portion thereof except such equipment which may become worn out or obsolete, and shall

be replaced; nor, except as provided in Section 13 hereof, shall the City execute or issue any additional bonds or other obligations pledging any portion of the revenues of said waterworks unless the same be made subordinate and junior in all respects to the bonds herein authorized.

(d) The provisions of this ordinance shall be construed to create a trust in the proceeds derived from the sale of the bonds herein authorized, for the uses and purposes herein set forth, and so long as any of said bonds are outstanding the provisions of this ordinance shall also be construed to create a trust in the fixed proportion of the revenues of the waterworks herein directed to be set apart and paid into the Bond and Interest Redemption Account for the uses and purposes of said account as in this ordinance set forth.

(e) The provisions of this ordinance shall constitute a contract by and between the City of Fort Wayne and the holders of the bonds herein authorized, all of the terms of which shall be enforceable in law or in equity, and after the issuance of the bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of said bonds, nor shall the Common Council of the City adopt any law, ordinance or resolution in any way adversely affecting the rights of such holders so long as any of the bonds or the interest thereon remain unpaid. The holders of the bonds shall have all of the rights, remedies and privileges, either expressly set forth in the provisions of I.C. 19-3-17 and I.C. 5-1-6 and all acts amendatory thereof and supplemental thereto, or implied therein, including the right to compel the collection of sufficient rates and charges to provide for the payment of the bonds issued hereunder and the interest thereon.

Section 15. Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) in aggregate principal amount of the bonds issued pursuant to this ordinance

and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City. No holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the

adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Section 16. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the issuance of the 1967 Bonds, the 1968 Bonds or the 1973 Bonds, nor be construed as adversely affecting the rights of the holders of the aforementioned outstanding 1967 Bonds, 1968 Bonds or the 1973 Bonds.

Section 17. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt,
Schomburg, Stier, Talarico

Nays: None

Absent: One
Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-86-82 on the 25th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-07 *(as amended)*
ORDINANCE NO. S-87-82

An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Fort Wayne, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said revenue bonds, other matters connected therewith and repealing ordinances inconsistent therewith

WHEREAS, the City of Fort Wayne has heretofore established, constructed and financed sewage works pursuant to Chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session), and now owns and operates said sewage works pursuant to I.C. 36-9-23 (the "Act"); and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, now finds that said sewage works is in need of certain additions and improvements to repair recent flood damage and to complete certain projects being partially financed by federal and state grants; that plans and specifications for said additions and improvements have been approved by said Council and by all governmental authorities having jurisdiction, particularly the Stream Pollution Control Board of the State of Indiana; and

WHEREAS, the Board of Public Works and Safety has advertised for and received bids for the construction of said additions and improvements; that said bids are subject to the City's determination to construct said works and subject to the City's obtaining funds to pay for said works; that on the basis of said bids the cost of said works, over and above the amounts available from said federal and state grants, to be financed by revenue bonds, as outlined at I.C. 36-9-23-11, including funded reserves and estimated incidental expenses, is in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000); and

WHEREAS, the Common Council finds that the cost of said additions and improvements cannot be provided for out of funds of the sewage works now on hand or to be received prior to the completion thereof; that funds to apply on the cost should be provided by the issuance of additional revenue bonds payable

solely out of the net revenues of the City's sewage works; that the financial advisor to the City of Fort Wayne has advised that reserves in the amount of \$400,000 funded by bond proceeds are necessary expenses in financing the works and that the engineer has included those reserves in the estimate of the aforementioned cost of the works; and

WHEREAS, the Common Council finds that there are now outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds," (hereinafter the "1959 Bonds") dated November 1, 1959, now outstanding in the amount of One Million Eighty-five Thousand Dollars (\$1,085,000), bearing interest at the rates of three and seven-eighths percent ($3 \frac{7}{8}\%$) or three and one-quarter percent ($3 \frac{1}{4}\%$) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1990 inclusive, which bonds constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1961," (hereinafter the "1961 Bonds") dated August 1, 1961, now outstanding in the amount of One Million One Hundred Ninety Thousand Dollars (\$1,190,000), bearing interest at the rate of three and three-quarters percent ($3 \frac{3}{4}\%$) per annum, maturing on August 1 in the years 1982 to 1993 inclusive, which bonds are on a parity with the 1959 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1970," (hereinafter the "1970 Bonds") dated

April 1, 1970, now outstanding in the amount of Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000), bearing interest at the rates of six and seven-tenths percent (6.7%), six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%), six and nine-tenths percent (6.9%) or seven percent (7.0%) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1995 inclusive, which bonds are on a parity with the 1959 Bonds and 1961 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the Common Council finds that there are also outstanding bonds issued on account of the construction and improvement of the City's sewage works and payable out of the net revenues therefrom designated "Sewage Works Improvement Revenue Bonds of 1975," (hereinafter the "1975 Bonds") dated January 1, 1975, now outstanding in the amount of Six Million Fifty Thousand Dollars (\$6,050,000), bearing interest at the rates of six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%) or five percent (5%) per annum, depending on the maturities, maturing on August 1 in the years 1982 to 1997 inclusive, which bonds are on a parity with the 1959 Bonds, 1961 Bonds and 1970 Bonds and also constitute a first charge upon the net revenues of the sewage works; and

WHEREAS, the ordinances authorizing the issuance of the now outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds permit the issuance of additional bonds ranking on a parity with said bonds provided certain conditions can be met, and the City finds that the finances of said sewage works are such as will enable meeting the conditions for the issuance of additional parity bonds and that, accordingly, the additional revenue bonds shall be on a parity with the now outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds; and

WHEREAS, the Common Council finds that certain bonds may be issued at approximately the same time as the bonds to be issued

hereunder which bonds are tentatively designated "Sewer Connection Revenue Bonds of 1982" (hereinafter the "Connection Bonds") and which bonds will also rank on a parity with the 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said additional revenue bonds have been complied with in accordance with the provisions of the Act hereinbefore referred to; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City proceed with the construction of additions and improvements to its sewage works in accordance with the plans and specifications heretofore or from time to time prepared and filed by City engineers, which plans and specifications are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk of the City of Fort Wayne, Indiana, and are open for public inspection pursuant to I.C. 36-1-5-4, that the cost of construction of said additions and improvements, including the funding of a debt reserve in the amount of \$400,000 and the cost of issuance shall not exceed the sum of Three Million Four Hundred Thousand Dollars (\$3,400,000) without further authorization from this Common Council. The terms "sewage treatment works," "works," and other like terms where used in this ordinance shall be construed to mean and include all structures and property of the City's sewer utility, including items defined at I.C. 36-9-1-8. Said additions and improvements to the sewage works shall include facilities to repair recent flood damage and to complete certain projects being partially financed by federal and state grants, which additions and improvements shall include interceptor sewers, improvement of the treatment plant and the advanced wastewater treatment plant, and shall be constructed in accordance with the plans

and specifications heretofore mentioned, which plans and specifications are hereby approved. Said additions and improvements shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the provisions of I.C. 36-9-23, and all acts supplemental thereto, relating to the issuance of revenue bonds, hereinafter sometimes referred to as the "Act" or "Acts."

Sec. 2. The City shall issue its sewage works revenue bonds in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000) for the purpose of procuring funds to apply on the cost of said works, including the funding of a debt reserve in the amount of \$400,000 and the cost of issuance. Any provisions of this ordinance to the contrary notwithstanding, said bonds shall rank on a parity with the outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds and, if issued, the Connection Bonds.

Said bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000), numbered consecutively from 1, dated as of the first day of the month in which sold, and shall bear interest at a rate or rates not exceeding fourteen percent (14%) per annum (the exact rate or rates to be determined by bidding), payable on the first days of February and August in each year, beginning August 1, 1982. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in lawful money of the United States of America, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City and State of New York, and such bonds shall mature serially in numerical order on August 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1996	\$170,000	1999	\$ 755,000
1997	210,000	2000	1,605,000
1998	660,000		

The bonds of this issue are not redeemable prior to maturity.

Sec. 3. Said bonds shall be signed in the name of the City of Fort Wayne by manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the City Controller and attested by the manual or facsimile signature of the Clerk, who shall affix the seal of said City to each of said bonds manually or shall have the seal imprinted or impressed thereon by facsimile or by any other means. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of the Mayor and City Controller, and said officials, by the signing of said bonds, shall adopt and for their own proper signatures their facsimile signatures appearing on said coupons. Said bonds may, where appropriate, bear the manual or facsimile signatures of validly appointed Deputy officials. Said bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Said bonds shall be negotiable by delivery unless registered. Upon presentation of any of the bonds at the office of the City Controller in the City of Fort Wayne, said City Controller shall register said bonds as to principal without charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on such bond, but bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of any bond shall not affect the negotiability of the interest coupons attached thereto, but

such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

Said bonds, the 1959 Bonds, 1961 Bonds, 1970 Bonds, 1975 Bonds, and, if issued, the Connection Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City, including the works heretofore constructed and all additions and improvements thereto and replacements thereof presently or subsequently constructed or acquired. The City shall not be obligated to pay said bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Sec. 4. The form and tenor of said bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

UNITED STATES OF AMERICA

: State of Indiana County of Allen
No. _____ \$5,000

CITY OF FORT WAYNE
SEWAGE WORKS REVENUE BOND OF 1982

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered, then to the registered holder, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of August, _____ and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ percent (____%) per annum, payable on the first days of February and August in each year, beginning on August 1, 1982, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City of New York.

This bond is one of an authorized issue of six hundred eighty (680) bonds of the City of Fort Wayne, of like date, tenor and effect, except as to numbering, interest rates, and dates of maturity, in the total amount of Three Million Four Hundred Thousand Dollars (\$3,400,000), numbered from 1 to 680 inclusive, issued for the purpose of providing funds to be applied on the cost of additions and improvements to the City's sewage works, including the funding of a debt reserve in the amount of \$400,000 and the cost of issuance, as authorized by an ordinance adopted by the Common Council of the City of Fort Wayne on the _____ day of _____, 1982, entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the City of Fort Wayne, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said revenue bonds, other matters connected therewith and repealing ordinances inconsistent therewith," and in strict compliance with the provisions of I.C. 36-9-23.

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond and all other bonds of said issue, the Sewage Works Improvement Revenue Bonds, dated November 1, 1959, the Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, the Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, and certain Sewer Connection Revenue Bonds of 1982 ("Connection Bonds") which may be issued by the City of Fort Wayne at approximately the same time as this bond and all other bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from the Sewage Works Sinking Fund, or, as to the Connection Bonds, will be payable from the Sewage Works Sinking Fund (heretofore created by Ordinance No. 1939, adopted July 26, 1938 and continued by the ordinances authorizing the issuance of the aforementioned outstanding bonds to be provided from the net revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City of Fort Wayne, including the additions and improvements constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond and the issue of which it is a part are of equal priority, in respect to the application of said net revenues, with certain Sewage Works Improvement Revenue Bonds, dated November 1, 1959, now outstanding in the amount of One Million Eighty-five Thousand Dollars (\$1,085,000), bearing interest at the rates of three and seven-eighths percent (3 7/8%) or three and one-quarter percent (3 1/4%) per annum, depending on the maturities and maturing annually over a period ending on August

1, 1990, with certain Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, now outstanding in the amount of One Million One Hundred Ninety Thousand Dollars (\$1,190,000), bearing interest at the rate of three and three-quarters percent (3 3/4%) per annum, maturing annually over a period ending on August 1, 1993, with certain Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, now outstanding in the amount of Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000), bearing interest at the rates of six and seven-tenths percent (6.7%), six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%), six and nine-tenths percent (6.9%) or seven percent (7.0%) per annum, depending on the maturities, and maturing annually over a period ending on August 1, 1995 and with certain Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, now outstanding in the amount of Six Million Fifty Thousand Dollars (\$6,050,000), bearing interest at the rates of six and five-tenths percent (6.5%), six and seven-tenths percent (6.7%) or five percent (5%) per annum, depending on the maturities, maturing annually over a period ending on August 1, 1997, in accordance with the terms thereof. This bond shall also be on a parity with the Connection Bonds, if issued. This bond shall not constitute an indebtedness of the City of Fort Wayne within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The City of Fort Wayne irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal of and interest on the bonds authorized by said ordinance, of which this is one, and any bonds ranking on a parity therewith, including said Sewage Works Improvement Revenue Bonds, dated November 1, 1959, the Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, the Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970, the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975, and the Connection Bonds, if issued, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, to provide for proper depreciation, and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Act and said ordinance. In the event the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in said I.C. 36-9-23 and the acts amendatory thereof and supplemental thereto, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City of Fort Wayne further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on all bonds payable

from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of all bonds payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into said sinking fund together with other sums to be held as reserves as provided in said ordinance. Such required payments shall constitute a first charge upon all the net revenues of said works on a parity with the aforementioned Sewage Works Improvement Revenue Bonds, dated November 1, 1959, Sewage Works Improvement Revenue Bonds of 1961, dated August 1, 1961, Sewage Works Improvement Revenue Bonds of 1970, dated April 1, 1970 and the Sewage Works Improvement Revenue Bonds of 1975, dated January 1, 1975 and the Connection Bonds, if issued.

If any bond or interest coupon shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, an amount sufficient to pay such bond or interest coupon, as the case may be, and thereafter the holder shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

This bond and all other bonds of said issue shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana. This bond may be registered as to principal at the office of the City Controller in the City of Fort Wayne, Indiana, in the name of the owner hereof, and such registration noted hereon by said City Controller. Thereafter no transfer hereof shall be valid unless made at said office by the registered owner in person or by his duly authorized attorney and similarly noted hereon, but this bond may be discharged from registration by being in like manner transferred to bearer and may again from time to time be registered or transferred to bearer as before. Such registration shall not restrict or affect the negotiability of the interest coupons hereto attached by delivery only, but such interest coupons shall always be payable to bearer.

The bonds of this issue are not redeemable prior to maturity.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, countersigned by the manual or facsimile signatures of the City Controller, its corporate seal to be hereunto affixed manually, or imprinted or impressed thereon by facsimile or by any other means, and attested manually or by facsimile by its Clerk, and the interest coupons hereto attached to be executed by placing thereon the

facsimile signatures of the Mayor and City Controller, as of the first day of _____, 1982.

CITY OF FORT WAYNE

By _____
Mayor

Countersigned:

City Controller

Attest:

Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, _____, the City of Fort Wayne, Indiana, will pay to bearer, at the principal office of the Lincoln National Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or at the option of the holder, at the Continental Illinois National Bank and Trust Company, in the City of Chicago, Illinois, or at the Irving Trust Company, in the Borough of Manhattan, in the City of New York, New York, out of its Sewage Works Sinking Fund, the amount shown hereon in lawful money of the United States of America, being the interest then due on its Sewage Works Revenue Bond of 1982, dated _____ 1, 1982, No. _____.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

City Controller (facsimile)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk in the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sec. 5. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, Clerk and City Controller are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto, in the form and manner herein provided. The City Controller or the Clerk are hereby authorized and directed

to deliver said bonds to the purchaser thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the City Controller or the Clerk shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than the face value of said bonds, plus accrued interest from the date thereof to the date of delivery. The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the City, payable out of the net revenues of the City's sewage works to be set aside into the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said additions and improvements to the sewage works hereinbefore referred to, funding a debt reserve in the amount of \$400,000 and the expenses necessarily incurred in connection therewith. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Sec. 7. Prior to the sale of said bonds, the City Controller shall cause to be published a notice of such sale in the News-Sentinel and the Journal-Gazette, the only newspapers published in the City of Fort Wayne, Indiana, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, all in accordance with I.C. 5-1-11 and I.C. 5-3-1. A notice of sale may also be published one time in The Indianapolis Commercial, and a notice or summary notice may also be published in The Bond Buyer in New York, New York. The bond sale notice shall state the time and place of sale, the character and amount of the bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be

received and the sale made, and such other information as the Controller or the Clerk and the attorneys employed by the City shall deem advisable and any summary notice may contain any information deemed so advisable. Said notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check in the amount of Thirty-five Thousand Dollars (\$35,000) to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the City and shall be considered as its liquidated damages on account of such default; that bidders for said bonds will be required to name the rate or rates of interest which the bonds are to bear, not exceeding

the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8) or one-tenth (1/10) of one percent (1%). ~~The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity and not more than four (4) different interest rates shall be named by a bidder.~~ No conditional bids will be considered. The opinion of Ice Miller Donadio & Ryan, bond counsel of Indianapolis, Indiana, approving the legality of said bonds, will be furnished to the purchaser at the expense of the City.

The bonds shall be awarded by the City Controller to the highest qualified bidder who has submitted his bid in accordance with the terms of this ordinance and the notice of sale. The highest bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement

for a period of thirty (30) days, during which time no bid which is lower than the highest bid received at the time of the advertised sale will be considered.

Sec. 8. The accrued interest and premium received at the time of the delivery of the bonds, if any, shall be deposited in the Sewage Works Sinking Fund heretofore created by Ordinance No. 1939, adopted July 26, 1938 and continued by the ordinances authorizing the issuance of the 1959 Bonds, the 1961 Bonds, the 1970 Bonds and the 1975 Bonds. Bond proceeds in the amount of \$400,000 will be deposited, pursuant to the advice of the City's financial advisor that such funding is a necessary expense of financing the works under I.C. 35-9-23-11 and the inclusion of that funding in the engineer's estimate of the cost of the works, in the Sewage Works Sinking Fund described in Section 9 hereof, which sum will be held as a debt service reserve therein and credited to the City's obligation thereunder to accumulate net revenues therein as a margin of safety. Said financial advisor has also advised the City that reserve is reasonably required in order to enhance the marketability of the bonds and that, without this reserve, the bonds would be unmarketable or the interest rate demanded by investors would affect the economic feasibility of the project. The remaining proceeds from the sale of said bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts to be designated as "City of Fort Wayne, Sewage Works Construction Account." All funds deposited to the credit of said Sewage Works Sinking Fund or Sewage Works Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly I.C. 5-13-1, and the acts amendatory thereof and supplemental thereto. The depository or depositories for said Sewage Works Sinking Fund shall be a bank which shall be a member of the Federal Reserve System and of the Federal Deposit

Insurance Corporation, or like organizations having similar powers and duties. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the works, as defined in I.C. 36-9-1-8 and 36-9-23, or as otherwise required by said Acts, or for funding a debt reserve in the amount of \$400,000 or for the expenses of issuance of the bonds. The cost of obtaining the opinion of Ice Miller Donadio & Ryan shall be considered as a part of the cost of the project on account of which the bonds are issued, and shall be paid out of the proceeds of the bonds or out of the revenues of the sewage works.

The Common Council authorizes the insurance of the bonds with a municipal bond insurance company if the City Controller, acting on the advice of the City's financial consultant and engineer, finds that such insurance advisable and a necessary expense of financing the sewage works. The cost of obtaining said insurance shall be considered as a part of the cost of the project on account of which the bonds are issued, and shall be paid out of the proceeds of the bonds or out of other funds of the sewage works.

The City covenants that it will not invest the proceeds of said bonds, or any moneys treated as proceeds by the Internal Revenue Service, in any manner, or take or fail to take any other action, which would result in said bonds constituting "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

Any balance or balances remaining unexpended in such special account or accounts after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall be paid into the Sewage Works Sinking Fund and shall be used solely for the purposes of said fund.

Sec. 9. The special fund designated "Sewage Works Sinking Fund" created by Ordinance No. 1939, adopted on July 26, 1938, and continued for the payment of the outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds and 1975 Bonds is hereby designated as the special fund for the payment of the interest on and principal of the revenue bonds authorized by this ordinance and the payment of any fiscal agency charges in connection with the payment of the bonds and coupons. Said fund shall be continued until all of the bonds issued under said prior ordinances and this ordinance have been paid. There shall be set aside and paid into said Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the net revenues of said sewage works for the payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying said bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works as they fall due, and (d) an additional amount as a margin of safety, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal not less than ten percent (10%) of all other amounts so required to be paid into said Sinking Fund. The term "net revenues" as used in this section shall be construed to mean the revenues after deduction only for the reasonable cost of operation, maintenance and repair. The monthly payments into the said Sinking Fund shall be in an amount equal to at least one-twelfth (1/12) of the amount

required for such payments during the then next succeeding twelve (12) calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to said required monthly payments into the Sewage Works Sinking Fund, all of the net revenues of said sewage works not used in making said required sinking fund payments shall be set aside and paid into

said Sinking Fund monthly, as available, until there has been accumulated in said Sewage Works Sinking Fund, over and above said required payments but including the funded reserves and investment income thereon, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable during the then next succeeding twelve (12) calendar months. Said Fund shall be maintained at such levels, and additional amounts of net revenues shall be deposited in said Fund to the extent necessary to maintain such levels.

In no event shall any part of the Sewage Works Sinking Fund be used in purchasing bonds, except to the extent that the amount then in said Sinking Fund exceeds the amount required to pay the principal of the bonds payable therefrom which will mature within a period of twelve (12) calendar months next following the date of such purchase, together with all interest on the bonds payable. Any such excess of funds above said required levels may be used in purchasing outstanding bonds at a price less than the applicable price at maturity, if first approved by the Board of Public Works and Safety. Moneys in said Sinking Fund shall not be used for any other purpose whatsoever except as provided in this ordinance.

If the City shall, for any reason, fail to pay into said Sinking Fund the full amount and at the respective times above stipulated, then an amount equivalent to such deficiency shall be set apart and paid into said fund from the first available revenues and same shall be in addition to the minimum amounts otherwise herein provided to be so set apart and paid.

Withdrawals shall be made from said Sinking Fund and remitted to the places of payment of the interest and principal to meet such payments when due and it is to be understood that appropriate arrangements will be made so that the coupons and bonds will be promptly paid when due and presented at any of the designated alternate places of payment.

The City covenants that it will not make any investment of moneys in said Fund in any manner, or take or fail to take any

other action, which would result in the bonds constituting arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or the Treasury Regulations or any Revenue Rulings promulgated thereunder, or as determined by any court of competent jurisdiction.

The Sinking Fund, as aforesaid, shall be used solely and only and is hereby pledged for the purpose of paying principal of and interest on the bonds which by their terms are payable from said funds. Upon the delivery of said bonds and the receipt of the proceeds all sums received as accrued interest and premium, if any, shall be placed in the Sinking Fund.

Section 10. In the event that all required payments into the Sewage Works Sinking Fund have been met to date and there has been accumulated as a reserve in said Sewage Works Sinking Fund, including the bond proceeds deposited, over and above said payments, an amount equal to the respective sums required by Section 9, and there has been accumulated and reserved funds, in an amount sufficient for operation, repair and maintenance of the works for the then next succeeding twelve (12) calendar months, and for depreciation, then any excess revenues of the works available may be placed in the Sewage Works Improvement Fund. Moneys in said Fund may be used to pay the costs of improvements, betterments, extensions, enlargements and additions to the works. No revenues of the works shall be deposited in or credited to the Sewage Works Improvement Fund which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance and repair of the works and for depreciation. All or any portion of the funds accumulated and reserved for operation, repair and maintenance for the then next succeeding twelve (12) calendar months shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the bonds payable from said Sinking Fund.

Section 11. All revenues received on account of the sewage works shall be segregated and kept in a special fund separate and apart from all other funds of the City. Out of this fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid and the requirements of the Sewage Works Sinking Fund shall be met. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made and showing all revenues collected from said works and deposited in said fund, and all disbursements made therefrom on account of the operation of the works, and to meet the requirements on the Sewage Works Sinking Fund, also all other financial transactions relating to said works, including the amounts set aside or credited to the Sewage Works Sinking Fund and Sewage Works Improvement Fund, and the cash balance in each of said funds as of the close of the preceding fiscal year. There shall be prepared and furnished, upon written request, to the original purchaser of the bonds, and to any holder of the bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, income and expense and balance sheet statements of the works, covering the preceding fiscal year, which annual statements shall be certified by the City Controller, or the person charged with the duty of auditing the books and records relating to said works, or by licensed independent public accountants employed for that purpose. Copies of all such statements and reports shall be kept on file in the office of the City Controller. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

Sec. 12. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by

the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the City, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by said governing Act and this ordinance. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, depreciation and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof as the charges accrue. The rates or charges so established shall apply to any and all use of such works by and service rendered to the City and all departments thereof, and shall be paid semi-annually by the City or the various departments thereof as the charges accrue.

Sec. 13. If, prior to the maturity of the bonds issued hereunder, (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, to pay the whole amount of the principal and the interest due and payable at maturity upon all of the bonds and coupons then outstanding; then and in that case the bonds issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the net revenues of the City's sewage works.

Sec. 14. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.

(b) As of the date of issuance of such additional bonds, there shall have been accumulated and set aside funds in an amount sufficient for operation, repair and maintenance of the works for the then next succeeding twelve (12) calendar months, and the balance in the Sewage Works Sinking Fund shall equal not less than the reserve requirements set forth in Section 9 hereof.

(c) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased

rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant employed by the City for that purpose, who shall certify that he has no pecuniary interest in said

additions, extensions or improvements or the financing thereof in any way whatsoever other than to analyze the records of said sewage works and to prepare said showings.

(d) The principal of said additional parity bonds shall be payable on August 1 and the interest on said additional parity bonds shall be payable semi-annually on February 1 and August 1 in the years in which such principal and interest are payable.

Sec. 15. For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

(a) All contracts let or hereinafter to be let by the City in connection with the construction of said additions and improvements to the sewage works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) Said additions and improvements shall be constructed under the supervision of the City's engineers. All estimates for work done or material furnished shall first be checked by the engineers and approved by the City.

(c) The City shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the bonds herein authorized are outstanding, the City shall maintain insurance on the insurable parts of said works of a kind and in an amount

such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose shall be treated and applied as net revenues of the works.

(e) So long as any of the bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except replaced equipment which may become worn out or obsolete.

(f) Except as hereinbefore provided in Section 14 hereof, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized are retired or defeased pursuant to Section 13 hereof coincidentally with the delivery of such additional bonds or other obligations.

(g) The City shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(h) The provisions of this ordinance shall constitute a contract by and between the City of Fort Wayne and the holders of the sewage works revenue bonds herein authorized, and after the issuance of said bonds, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds,

nor shall the Common Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remain unpaid. Nothing in Section 16 hereof shall be construed as violating this provision.

(i) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes herein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Bond Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The holders of said bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Acts hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any of the provisions of this ordinance or the governing Act.

Sec. 16. Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than sixty-six and two-thirds per cent ($66\frac{2}{3}\%$) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this

ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

- (a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or
- (b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or
- (c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or
- (d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or
- (e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk of the City. No holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and

obligations under this ordinance of the City and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the holders of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Sec. 17. The estimate of the rates and charges is:

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classifications:

Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	18.74	18.74
Conveyance, Collection, Billing	18.23	11.88
Capital	11.73	8.88
Total User Charge	48.70	39.50

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27 does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.43
1 - 1/2"	8.58
2" 17.51	
3" 35.12	
4" 58.48	
6" or larger	162.44

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.87	\$ 5.84
Domestic User - Multi-Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

Sec. 24-29A. Special Capital Surcharge.

Each user discharging wastes into the sewage systems acquired by the City of Fort Wayne, Indiana, from and located in St. Joseph Township and Adams Township, Allen County, Indiana, as well as all future extensions thereof shall be subject to and shall pay a special capital surcharge in the amount of \$4.65 per month in addition to all other sewer service charges or other charges imposed by this Ordinance. Said capital surcharge shall be collected from said users until such time as the principal of and all interest and other costs arising from the borrowing of funds by the City for the acquisition of said sewer system shall have been paid in full from the total of the capital surcharge herein imposed.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	18.74
Capital Charge	11.76
	30.50

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.55 and a monthly surveillance charge of \$82.20.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contributes waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	Cents Per Pound
Suspended Solids - (SS)	3.931
Biochemical Oxygen Demand - (BOD)	3.926
Phosphorus - (P)	37.619
(e) <u>Capital Surcharge.</u>	

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204(b)(1) Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to Plant - \$163.00 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.85 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with

the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents

a. For suspended solids (SS)	3.931 cents per pound
b. For biochemical oxygen demand - (BOD)	3.926 cents per pound
c. For phosphorus (P)	37.619 cents per pound

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$82.20 per discharge point.

Sec. 18. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the issuance of the 1959 Bonds, the 1961 Bonds, the 1970 Bonds or the 1975 Bonds, or the Connection Bonds, if issued, nor be construed as adversely affecting the rights of the holders of the aforementioned outstanding 1959 Bonds, 1961 Bonds, 1970 Bonds or the 1975 Bonds or Connection Bonds, if issued.

Sec. 19. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Paul M. Burns

Councilman

Approved as to form and legality this 11th day of

May, 1982.

Bruce O. Boxberger
Bruce O. Boxberger, City Attorney

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GíaQuinta, Schmidt, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-87-82 on the 25th day of May, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-05-27

RESOLUTION NO. R-29-82

A Resolution declaring a day
of thanksgiving prayer for
deliverance of the City of
Fort Wayne, Indiana, from more
severe damage

WHEREAS, the City of Fort Wayne, Indiana, and its citizens suffered severe damage and destruction during the floods of March, 1982; and,

WHEREAS, it is evident that but for divine intervention said City and its citizens would have suffered more severe damage and destruction; and,

WHEREAS, there needs to be a reaffirmation by the community of the City of Fort Wayne of the power of prayer in thanksgiving to a merciful and benevolent God in sparing us from further damage, and it would be appropriate recognition of divine power and blessing in our lives to observe a day of a prayerful observance of such thanksgiving.

NOW THEREFORE BE IT PROCLAIMED by the Mayor and the Common Council of the City of Fort Wayne, Indiana, that the day of Thursday, June 17, 1982, be set a part for a prayerful observance of thanksgiving for divine intervention in prevention of further flooding and damage to said City and that all citizens of the City of Fort Wayne are urged to pause for one minute from their usual occupations in such prayerful observance on Thursday, June 17, 1982, at 11:00 A.M.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-29-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. G-81-05-29

GENERAL ORDINANCE NO. G-LOST

GENERAL ORDINANCE REPEALING GENERAL
ORDINANCE NO. G82-04-32

WHEREAS, the public streets of the City of Fort Wayne, Indiana, are utilized for the movement of vehicular traffic, and it is in the highest standards of public safety that pedestrians, particularly children, should be protected against the movement of vehicular traffic in the public streets, and,

WHEREAS, the Common Council believes that the safety of children in this community is of the utmost importance; and,

WHEREAS, operation of "motorized food vending vehicles" as defined in General Ordinance No. G810343 amerey serves to invite children into the the public streets; and,

WHEREAS, "motorized food vending vehicles" should be restricted to purveying their sales in park areas only of public parks, exclusive of public streets and highways, and private property but never on public streets, public highway or public alleys.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. General Ordinance No G-82-04-32 is hereby repealed in its entirety.

SECTION 2. "Motorized food vending vehicles", defined as self-propelled motorized vehicles or any trailer attached thereto selling food items such as ice cream, candy and other food products, shall be permitted to purvey and sell their products on private property or in public parks or other public or private property which is not in any public street, public highway or public alley in the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Roy J. Schomburg
Councilman

Read the third time in full and on motion by Schomburg, seconded by Burns and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Three
Burns, Schmidt, Schomburg
Nays: Four
Bradbury, Eisbart, GiaQuinta, Talarico
Absent: Two
Nuckols, Stier

Date: 5-25-82

Charles W. Westerman
City Clerk

BILL NO. S-82-05-17

SPECIAL ORDINANCE NO. S-85-82

AN ORDINANCE extending the time to apply for pet owner permits

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has previously adopted an Ordinance noted as G1481 with respect to animal control care and disposition;

WHEREAS, Section 6-16 (2) of said Ordinance indicates that applications for said permit may be made without penalty from Febraury 1 through April 30.

WHEREAS, the Special Ordinance NO. S-61-82 duly passed by the Common Council and approved by the Mayor the time for application without penalty of said permit was extended through May 31, 1982, and,

WHEREAS, it is necessary to further extend said period through June 30, 1982.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 6-16 (2) of said Ordinance G1481 is hereby amended to allow for application for permits without penalty from February 1, 1982 through June 30, 1982. In subsequent years the application period shall remain February 1 through April 30, without penalty.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Bradbury, Burns, Eisbart, GaiQuinta, Schomburg, Talarico

Nays: None

Absent: Nuckols, Schimdt, Stier

Date: 5-25-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-85-82 on the 25th day of May, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-08

SPECIAL ORDINANCE NO. S-93-82

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT
REVENUE BONDS, SERIES A (SCOTT'S FOOD
STORES, INC. PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Scott's Food Stores, Inc. Project regarding the financing of proposed economic development facilities for Scott's Food Stores, Inc. and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on June 3, 1982, and also adopted a resolution on June 3, 1982, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Scott's Food Stores, Inc. complies with the purposes and provisions of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan, Leasehold Mortgage and Security Agreement, Note, Trust, Indenture, Guaranty Agreements and Official Statement; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan, Leasehold Mortgage and Security Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Scott's Food Stores, Inc. for the equipping and installation of such facilities, the payment of the revenue bonds by the note payments of Scott's Food Stores, Inc. under the Loan, Leasehold Mortgage and Security Agreement and Note, the guaranty of payment of principal and interest on the revenue bonds by Scott's Foodlane, Inc., Donald G. Scott, William G. Reitz and L. Carroll Reitz under the Guaranty Agreements and the securing of said bonds by the lien assigned to the Trustee under the Loan, Leasehold Mortgage and Security Agreement complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The substantially final forms of the Loan, Leasehold Mortgage and Security Agreement, Note, and Trust Indenture approved by the Fort Wayne Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), and the substantially

final forms of the Guaranty Agreements and Official Statement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Bonds, Series A (Scott's Food Stores, Inc. Project), in the total principal amount not exceeding One Million Dollars (\$1,000,000) and maturing not later than ten years from the date of the first principal payment, which in no event may exceed thirty (30) years, for the purpose of procuring funds to pay the costs of acquisition, installation and equipping of the economic development facilities as more particularly set out in the Trust Indenture and Loan, Leasehold Mortgage and Security Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the note payments made by Scott's Food Stores, Inc. under the Loan, Leasehold Mortgage and Security Agreement and Note or as otherwise provided in the above described Trust Indenture. The bonds may be issued in coupon or registered form, may be issued in denominations of \$5,000 or a multiple thereof, may be fully registered, or in the case of coupon bonds, may be registrable as to principal only, and shall be redeemed as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Trustee or its successor in trust or by check or draft mailed or delivered to the registered owner as provided in the Trust Indenture. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 4. The Mayor and Clerk are authorized and directed to sell such bonds not to exceed 12.5% and at a price not less than 95.5% of the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document, including without limitation the Official Statement, which may be necessary or desirable to consummate the transaction, including the bond authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement or the Official Statement which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said Financing Agreement and Official Statement are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds and coupons, if any, may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, payment for the bonds will be made to the Trustee named in the Trust Indenture and after such a payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated as June 1, 1982.

SECTION 6. The provisions of this Ordinance and the Loan Leasehold Mortgage and Security Agreement securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series A (Scott's Food Stores, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-93-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-10

SPECIAL ORDINANCE NO. S-94-82

AN ORDINANCE approving a certain
bid document for the purchase of
retrofit materials for Fire Station
No. 1 for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1025 dated March 24, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Patton Associates, Inc. for one (1) trombe wall sub-structure at a total approximate cost of Four Hundred Ninety-five and 90/100 (\$495.90) Dollars; and Plastic works, Inc. for one (1) robe wall and greenhouse glazing material at a total approximate cost of Seven Thousand Three Hundred Twenty-one and No/100 (\$7,321.00) Dollars, and City Glass Specialty, Inc. for installation of greenhouse patio door at a total approximate cost of One Thousand Six Hundred Forty-eight and No/100 (\$1,648.00) Dollars, all as more particularly set forth in said bid document reference number 1025 and Purchase Order Numbers A-17029; A-17030; and A-17031, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-94-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-11

SPECIAL ORDINANCE NO. S-95-82

AN ORDINANCE approving a contract with
Charles Jenson for the purchase of 1220
Colerick Street, Fort Wayne, Indiana for
Urban Homesteading

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the contract dated April 8, 1982, between Housing and Neighborhood Development Services, Inc., and Charles Jensen for:

the purchase of 1220 Colerick Street
Fort Wayne, Indiana

for a total cost of \$7,000.00, all as more particularly set forth in said contract, and is by reference incorporated herein, and further, said contract is on file in the Office of Neighborhood Care, Inc., and two copies of the contract is on file in the Clerk's Office and available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-95-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.,
Mayor

BILL NO. S-82-05-18

SPECIAL ORDINANCE NO. S-96-82

AN ORDINANCE approving a certain bid document
for the resurfacing of employee and rental
car lots at Baer Field for the Board of Aviation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1030 dated April 21, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Aviation and Brooks Construction Company, Inc. for the resurfacing of employee and rental car lots at Baer Field at a total approximate cost of Forty One Thousand Five Hundred and 83/100 (\$41,500.83) Dollars, all as more particularly set forth in said bid document reference number 1030 and Purchase Order Number A-17374, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-96-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-31

SPECIAL ORDINANCE NO. S-97-82

AN ORDINANCE approving and authorizing the execution of an Interlocal Cooperation Agreement by and between the City of Fort Wayne, Indiana and the Fort Wayne Public Transportation Corporation (P.T.C.)

WHEREAS, the City of Fort Wayne, Indiana is a municipal corporation organized and existing as a City of the second class pursuant to Indiana law; and

WHEREAS, the Public Transportation Corporation is a municipal corporation organized and existing as a public corporation pursuant to Indiana law; and

WHEREAS, I.C. 36-1-7-1 et seq. authorized Indiana political subdivisions to exercise powers in joint fashion; and

WHEREAS, the City is committed to the development of downtown Fort Wayne, Indiana, and

WHEREAS, the Public Transportation Corporation was created by the Common Council of the City of Fort Wayne to further the purposes outlined in I.C. 36-9-4-1 et seq.; and

WHEREAS, neither the City of Fort Wayne nor the Public Transportation Corporation acting separately may further the development of downtown Fort Wayne as fully as if both the City of Fort Wayne and the Public Transportation Corporation act together; and

WHEREAS, it is advantageous to both the City of Fort Wayne and the Public Transportation Corporation to coordinate their actions so as to further develop downtown Fort Wayne with the resources available to them; and

WHEREAS, the utilization of an Interlocal Cooperation Agreement between the City of Fort Wayne and the Public Transportation Corporation will facilitate the development of downtown Fort Wayne;

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The attached Interlocal Cooperation Agreement "AGREEMENT" made a part hereof by and between the City of Fort Wayne and the Public Transportation Corporation is in all things and respects, approved and ratified. Two copies of such Agreement shall be placed on file with the City Clerk's Office and made available for public inspection.

SECTION 2. That the Mayor of Fort Wayne, Indiana is hereby given approval and authorized to execute the Agreement between the City of Fort Wayne and the Public Transportation Corporation and cause same to be recorded pursuant to I.C. 36-1-7-6.

SECTION 3. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and upon due publication and hearing as deemed required.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Bradbury, Eisbart, GiaQuinta, Stier, Talarico
Nays: Three
Burns, Schmidt, Schomburg
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-97-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-05-29

RESOLUTION NO. R-30-82

A RESOLUTION authorizing the transfer of funds from Account No. 402-134-002-03-4134, Health Insurance to Account No. 402-134-002-03-4399, Other Services and Charges, in the 1982 Revenue Sharing Budget

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the sum of Five Thousand and No/100 (\$5,000.00) Dollars, from Account No. 402134-002-03-4134, Health Insurance to Account No. 402-134-002-03-4399, Other Services and Charges, in the 1982 Revenue Sharing Budget.

SECTION 2. That the transfer of the funds will allow for the payment of certain expenses of the Black Expo 1982

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmdt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-30-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-16

SPECIAL ORDINANCE NO. S-98-82

AN ORDINANCE amending Article IX of the Code of the City of Fort Wayne, Indiana of 1974 by making certain amendments and deletions thereto

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 2-76 of Article IX is hereby amended as follows:

The name "Neighborhood Care, Inc." shall be deleted,

and the name "Housing and Neighborhood Development Services, Inc." shall be substituted therefor.

SECTION 2. Section 2-80 is hereby repealed and a new Section 2-80 is inserted as follows:

The membership of the corporation shall be composed of, and shall be identical to, its Board of Directors. Said Board of Directors shall govern the business and affairs of the corporation and shall consist of twelve (12) members composed of two (2) divisions designated in the following manner:

(a) Division 1. Public Directors.

- (1) Mayor of the City, or his designated representative;
- (2) Director of the Department of Community Development and Planning;
- (3) Managing Director of the corporation;
- (4) President of the Common Council, or his designated representative;
- (5) One other official or employee of the City to be appointed by the Mayor.

(b) Division 2. Community Directors.

Seven (7) persons appointed by the Mayor who shall be experienced in housing, accountying, banking, law, real estate, and neighborhood areas within the City.

SECTION 3. Section 2-81 of Article IX is hereby repealed and a new Section 2-81 is inserted as follows:

The Managing Director of the corporation shall also be Executive Vice-President of the corporation and its principal staff officer.

SECTION 4. A new Section 2-91 shall be added as follows:

2-91. In order that the corporation can successfully fulfill its functions of providing good and sufficient housing at a fair and reasonable cost, the Managing Director of the corporation, upon approval by the Director of the Department of Community Development and Planning, is authorized to debar contractors (individuals and companies) for a period of up to three (3) years upon a determination that such contractors: (1) lack integrity; or (2) have a record of poor performance; or (3) lack financial capability. All such debarment action shall be conducted in accordance with the procedures set forth in the Indiana Administrative Adjudication Act, and shall not exceed three (3) years except upon a rehearing. The decision of the Managing Director shall be final. During the term of the debarment, no contracts shall be awarded by the corporation or by the Department of Community Development and Planning, to the company or person debarred or any company or person with which that company or person is affiliated or employed. Furthermore, during the term of the debarment the corporation shall not fund any contracts or pay any monies, except for monies legally owing for work performed prior to the period of the debarment, to the company or person debarred or any company or person with which that company or person is affiliated or employed. Provided, however, nothing herein contained shall limit the right of the Managing Director of Housing and Neighborhood Development Services, Inc. or the Director of the Department of Community Development and Planning to declare a contractor not responsible or responsive or to award a contract to the lowest and best bidder.

SECTION 5. That the above and foregoing amendments and additions are approved in all respects and the proper Amendments to the Articles of Incorporation of Neighborhood Care, Inc. are hereby authorized.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-98-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-05-12

ZONING MAP ORDINANCE NO. Z-12-82

AN ORDINANCE to correct a Scrivenor's Error
in Bill No. Z-82-01-05

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

A part of Lots 16, 17 and 18 in Samuel Edsalls Subdivision of Lagro Reserve, Township 30 North, Range 12 East, Allen County, Indiana, to-wit:

All that portion of Lots 16, 17, and 18 Subdivision lying South of Old Illinois Road and North of new Illinois Road and Upper Huntington Road and West of Ardmore Avenue; ALSO: Lots 1 through 11 Foxfords Addition excluding that portion taken and/or dedicated for road purposes.

and the symbols of the City of Fort Wayne Zoning Map Nos. G-2, G-6, H-2 and H-6, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. This Ordinance shall serve to correct a Scrivenor's Error made in Ordinance No. Z0582 which stated incorrectly the following portion of the legal description: "Lots 1 through 11 of Foxford's Addition" was stated to be "Lots 1 and 11 of Foxford's Addition". The legal description had been correctly advertised as Lots 1 through 11 of Foxford's Addition.

SECTION 3. That this Ordinance shall be effective upon passage approval by the Mayor and legal publication thereof.

Ben a. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-12-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-05-13

ZONING MAP ORDINANCE NO. Z-13-82

AN ORDINANCE to correct a Scrivenor's
Error in Bill No. Z-81-08-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 325, 326, 327, 328, 329 and 330 Waynedale
Gardens 2nd Extended Addition,

and the symbols of the City of Fort Wayne Zoning Map No. I-23, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. This Ordinance shall serve to correct a Scrivenor's Error made in Ordinance No. Z0282 designated the above described property as an M-1 District. The proposed Ordinance was correctly advertised as an R-3 District.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-13-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-04-18

DECLARATORY RESOLUTION NO. R-31-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has, duly filed its petition dated March 24, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 61.112.1, to-wit:

Lots 56, 57 and Block C
located at the commonly known as:
Congressional Parkway

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provision of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the above described property is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

(a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974. (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-31-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-19

SPECIAL ORDINANCE NO. S-99-82

AN ORDINANCE approving Change Order
No. 4 for 310-80, Phase 3, St. Joe
Interceptor, Federal Grant No.
C-180599-06 in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 for 31080, Phase 3, St. Joe Interceptor, Federal Grant No. C-180599-06, to Joe R. Norman Contractors, Inc. in connection with the Board of Public Works, for:

during the course of construction it was determined that the existing soil was suitable for backfill under the streets. This allowed WPC Engineering to delete 10,000 CY of backfill material from the contract saving \$70,000.00. When this deletion was made it became necessary to compensate the contractor for trucking the existing soil around the block and placing it back into the trench. This trucking is reflected in this change order in the amount of \$20,000.00, thus creating an effective reduction in the contract price of \$50,000.00,

in the net decrease due to this Change Order of Nine Thousand Eight Hundred Two and 45/100 (\$9,802.45) Dollars, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-99-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-20

SPECIAL ORDINANCE NO. S-100-82

AN ORDINANCE approving Change Order
No. 6 for 345-80, County Club-Langford
Oaks, Federal Grant No. C-180599-09 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 6 for 345-80, County Club-Langford Oaks Federal Grant No. C-180599-09, to Richard Ness Excavating and Trucking, Inc. in connection with the Board of Public Works, for:

portions of Getz Road pavement which were lost due to existing ground conditions. Since Getz Road is a county arterial road the County Highway Department required 10" of asphalt for restoration. To restore Getz Road under the contract to the county specifications it became necessary to create this change in the contract,

in the amount of \$16,000.00 as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Brsdbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S=100-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-21

SPECIAL ORDINANCE NO. S-101-82

AN ORDINANCE approving Change Order
No. 3 for 348-80, Ansley Acres - Lagro,
Federal Grant No. C-180599-09 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 for 348-80, Ansley Acres - Lagro, Federal Grant No. C-180599-09, to Winzeler Excavating, Inc. in connection with the Board of Public Works, for:

the decision to extend an 8" line to
service the only house not serviced by
this sewer project. This residence is
the only one in the area left to be
serviced by WPC,

in the amount of Six Thousand Six Hundred Ten and 95/100 (\$6,610.95) Dollars, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-101-81 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-22

SPECIAL ORDINANCE NO. S-102-82

AN ORDINANCE approving an Agreement with
George Thompson, for construction of a
sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated May 5, 1982 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and George Thompson, Developer, for:

SANITARY SEWER

Beginning at an existing Sanitary Sewer manhole located 5 + L.F. South of and 10 + L.F. East of Southwest corner of Lot #72 Wild Rose Second Addition; Thence, East 90 + L.F. to a proposed manhole in Bueter Drive 179 + L.F. South of Oxford Street; Thence, North 195 + L.F. to a proposed manhole located 15 + L.F. North of and 5 + L.F. East of the centerline intersection on Oxford Street and Bueter Drive, Thence, East 700 + L.F. terminating at a proposed manhole.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Agreement are on file with the City Clerk's Office for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-102-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-23

SPECIAL ORDINANCE NO. S-103-82

AN ORDINANCE approving Change Order
No. 4 for 351-80, Westwood Addition
Federal Grant No. C-180599-09 in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 for 35180, Westwood Addition, Federal Grant No. C-18059909, to Winzeler Excavating Co., in connection with the Board of Public Works, for:

a different route for the sewer, the new location being in the natural drain area. Besides benefiting the property owners it is also an advantageous position for the City for future sewer extensions. It will save on the depth of the cut and allow for a greater service area. The contractor has agreed to install a 12" sewer at the bid price for the 8",

in the amount of \$6,097.00 (Six Thousand Ninety-Seven and No/100 Dollars), as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradubyr, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-103-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-24

SPECIAL ORDINANCE NO. S-104-82

AN ORDINANCE approving Change Order
No. 1 for 35481, Sewage Metering
Facility, Washington Boulevard,
in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 35481, Sewage Metering Facility, Washington Boulevard to Earth Construction and Engineering, Inc. in connection with the Board of Public Works, for:

a proposal by the contractor for a prefabricated fast connection to the east of the alley in lieu of utilizing the existing manhole and wet conditions, due to excessive flows in 21" sewer and the risk of energy failure on long term pumping,

causing no change in the contract price, as set out in the specifications, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schombug, Stier, Talarico

Nays: None

Absent: One
Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-104-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-25

SPECIAL ORDINANCE NO. S-105-82

AN ORDINANCE approving Change Order
No. 1 Revised for 351-80, Westwood
Addition, Federal Grant No. C-180599-09
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That Change Order No. 1 Revised for 351-80, Westwood Addition, Federal Grant No. C-18059909, to Winzeler Excavating, Inc. in connection with the Board of Public Works, for:

additional work which became necessary within the same area along Covington Road, from Station 9+00 through Station 23+15 on North Washington Road. Since this additional work fell in the same area along Covington Road, the Corps of Engineers required that the Water Pollution Control Engineering Department combine those changes with the changes already established in Change Order No. 1 necessitating this Change Order No. 1 Revised showing the total changes within that area,

in the amount of Fifty Nine Thousand Four Hundred Seventy-Six and 65/100 (\$59,476.65) Dollars, as set out in the specification which are on file in the Office of the Board of Public Works, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage

and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: ONE

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-105-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-26

SPECIAL ORDINANCE NO. S-106-82

AN ORDINANCE approving Change Order
No. 1 for 156-81, West Central
Phase B in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for 156-81, West Central Phase B, to T & F Construction in connection with the Board of Public Works, for:

the inadvertent omission of Theime Drive from the project when authorization was given. The addition of the necessary units to light Theime Drive from Washington Boulevard to Main Street is within the project boundaries of the target neighborhood,

in the amount of One Thousand One Hundred Twenty-two and 15/100 (\$1,122.15) Dollars, as set out in the specifications, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: ONe

Nuckols

Date: 6-8-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-106-82 on the 8th day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of June, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-15

SPECIAL ORDINANCE NO. S-107-82

(AS AMENDED)

AN ORDINANCE approving the City of Fort Wayne's participation in an Interlocal Cooperation Agreement with Allen County, Indiana and the Economic Development Commission of the State of Indiana, and amending the City of Fort Wayne's Community Trust

WHEREAS, the economic condition of the Fort Wayne, Allen County, Indiana, area is in a distressed state; and

WHEREAS, the largest employer in the area is the International Harvester Company; and

WHEREAS, the City of Fort Wayne; Allen County, Indiana; and the State Economic Development Commission have together participated in negotiations with the International Harvester Company, to assist the International Harvester Company so as to allow the International Harvester Company to retain operations in this area; and

WHEREAS, the City of Fort Wayne; Allen County, Indiana; and the Economic Development Commission of the State of Indiana have agreed to participate in a transaction involving International Harvester Company's intention to sell its Parts Distribution Center in Fort Wayne and subsequently re-lease same, all in a fashion that would improve International Harvester Company's cash flow situation in general and assist International Harvester Company in maintaining its operations locally; and

WHEREAS, the City of Fort Wayne's participation in this Parts Distribution Center transaction is an agreement by the City of Fort Wayne to provide to the newly-formed Allen County Redevelopment Commission a financial commitment of up to Three Million Dollars (\$3,000,000.00) in conjunction with a similar commitment of up to Two Million Two Hundred Thousand Dollars (\$2,200,000.00) from Allen County, Indiana, and up to a Four Million Dollars (\$4,000,000.00) commitment from the Economic Development Commission of the State of Indiana; and

WHEREAS, the City of Fort Wayne's participation of a financial commitment of up to Three Million Dollars (\$3,000,000.00) would be payable only in the instances and only to the extents as defined

in the Interlocal Cooperation Agreement by and between the City of Fort Wayne, Indiana; Allen County, Indiana; and the Economic Development Commission of the State of Indiana; and

WHEREAS, the rights of the City of Fort Wayne, with respect to the Parts Distribution Center transaction and the limitations on the liabilities of the City of Fort Wayne with respect to such transaction, are as outlined in such Interlocal Cooperation Agreement; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana has previously created, by General Ordinance No. G-21-85, a Trust Agreement entitled "The City of Fort Wayne Community Trust", said Trust created for the general welfare and benefit of the citizens of this community, and

WHEREAS, to provide the financial commitments of the City of Fort Wayne, Indiana, as herein referred to in this Ordinance, it will be necessary for the Common Council to amend said Trust Agreement (The City of Fort Wayne Community Trust); and

WHEREAS, It will be necessary for the Common Council of the City of Fort Wayne to approve of the proposed Interlocal Cooperation Agreement by and between the City of Fort Wayne, Indiana; Allen County, Indiana; and the Economic Development Commission of the State of Indiana; pursuant to I.C. 36171 et seq.;

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, and the administration are committed to economic development and economic improvement, all for the benefit of the citizens of this community.

SECTION 2. The City of Fort Wayne's participation in the Interlocal Cooperation Agreement by and between the City of Fort Wayne, Indiana; Allen County, Indiana; and the Economic Development Commission of the State of Indiana is hereby approved and said Interlocal Cooperation Agreement is hereby ratified and approved in all respects pursuant to I.C. 36-1-7-2 and I.C. 36-174 (a)(2). Furthermore, the Mayor of the City of Fort Wayne, Indiana is hereby authorized to enter said Interlocal Cooperation Agreement on behalf of the City of Fort Wayne, Indiana. A copy of said Interlocal Cooperation Agreement is attached hereto, made a part hereof, as if fully set out herein, and furthermore, two copies of said Interlocal Cooperation Agreement are on file with the City Clerk's Office and made available for public inspection according to law. To help insure the availability of monies for the City's financial commitment as provided in the Interlocal Cooperation Agreement, it is agreed that there shall be maintained a minimum balance of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in the City of Fort Wayne Community Trust for the duration of the lease obligations of International Harvester Company.

SECTION 3. The City of Fort Wayne Community Trust, as established by General Ordinance No. G-21-75, by this Common Council, is hereby amended. In that regard, the Board of Trustees of the City of Fort Wayne Community Trust is hereby authorized to execute the Amendment to the City of Fort Wayne Community Trust attached hereto, made a part hereof, as if fully set out herein. Two copies of said Amendment are on file with the City Clerk's Office and made available for public inspection according to law.

SECTION 4. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico

Nays: None

Absent: Two

Nuckols, Stier

Date: 6-15-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-107-82 on the 15th day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of June, 1982, at the hour of 4:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-01

SPECIAL ORDINANCE NO. S-108-82

AN ORDINANCE approving a Standard
Retail Sales Contract to purchase
repossessed H.U.D. property located
at 413 Eckart Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the Standard Retail Sales Contract dated May 27, 1982, between the City of Fort Wayne, by and through its Mayor and Housing and Neighborhood Development Services, Inc. and the Secretary of Housing and Urban Development, for:

repossess H.U.D. property located in Oxford Neighborhood Strategy Area at 413 Eckart Street, for the total cost of Five Thousand Eight Hundred Fifty and No/100 (\$5,850.00) Dollars, all as more particularly set forth in said Contract which is on file in the Office of Housing and Neighborhood Development Services, Inc., and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Standard Retail Sales Contract are on file with the Office of the City Clerk for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-108-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-02

SPECIAL ORDINANCE NO. S-109-82

AN ORDINANCE approving a certain
bid document for the purchase of
retrofit materials for Fire Station
No. 1 for the Fire Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1025 dated March 24, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and the following vendors for the approximate total costs listed, as more fully described on the Purchase Orders attached hereto and made a part hereof, for:

Guy Bookout Masonry Purchase Order No. A-17437	\$2,274.28
Patton Associates, Inc. Purchase Order No. A-17438	209.67
Pearson, Inc. Purchase Order No. A-17439	286.26
Roethle Building Materials Purchase Order No. A-17440	131.96
Schaab Metal Products Purchase Order No. A-17441	2,160.67
Ottenweller Co., Inc. Purchase Order No. A-17442	86.85
Waynedale Lumber Purchase Order No. A-174443	577.00
Art Iron Purchase Order No. A-17444	177.34
Irmscher Supplies, Inc. Purchase Order No. A-17445	2,349.00
A-1 Rental Purchase Order No. A-17476	564.20
LRC Products Purchase Order No. No. A-17447	564.20

all as more particularly set forth in said bid document reference number 1025 and the above referenced Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, Nuckols, GiaQuinta

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-109-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-82-06-08 (as amended)
2 SPECIAL ORDINANCE NO. S-110-82
3 AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$475,000
4 OF CITY OF FORT WAYNE, INDIANA, ECONOMIC DEVELOPMENT REVE-
5 NUE BONDS, SERIES 1982 (BFGOODRICH PROJECT) FOR THE PURPOSE
6 OF MAKING A LOAN TO ASSIST THE B.F. GOODRICH COMPANY IN THE
7 FINANCING OF COSTS OF AN ECONOMIC DEVELOPMENT FACILITY;
8 AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; AND AUTHORIZ-
9 ING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT PERTAIN-
10 ING TO THE PROJECT AND THE EXECUTION AND DELIVERY OF A
11 TRUST INDENTURE SECURING THE PAYMENT OF SAID BONDS.
12
13 WHEREAS, the City of Fort Wayne, Indiana (hereinafter
14 called the "Issuer") is a municipal corporation and political
15 subdivision organized and existing under the Constitution and
16 laws of the State of Indiana, and by virtue of the laws of said
17 State, including Chapter 36-7-12, Indiana Code, as amended
18 (hereinafter called the "Act"), is authorized and empowered,
19 among other things, (a) to issue revenue bonds for the purpose
20 of making a loan to assist in the financing of costs of acquiring,
21 constructing, equipping or improving "economic development facili-
22 ties" as defined in Section 36-7-12-2, Indiana Code, located
23 within the boundaries of the Issuer (hereinafter called the
24 "Project"), (b) to enter into a loan agreement and to provide
25 for revenues sufficient to pay the principal of and premium, if
26 any, and interest on such revenue bonds, (c) to secure such
27 revenue bonds by a trust agreement between the Issuer and a
28 corporate trustee, and by a pledge and assignment of such revenues,
29 as provided for herein, and (d) to enact this Bond Legislation
30 and enter into the Indenture, the Loan Agreement and the Bond
31 Purchase Agreement (as hereinafter defined) upon the terms and
32 conditions provided therein; and
33
34 WHEREAS, the Common Council of the Issuer (hereinafter
35 called the "Legislative Authority") has heretofore by ordinance
36 passed on April 11, 1972, pursuant to the Act created the Fort
37 Wayne Economic Development Commission (hereinafter called the
38 "Commission"), and the members of the Commission have been duly

1 appointed and qualified, and the Commission has organized and
 2 undertaken the duties imposed upon it by the Act and has found by
 3 written resolution that the economic welfare of the Issuer would
 4 be benefited by the Project, and such resolution and the findings
 5 therein have heretofore been approved by the Legislative Authority;
 6 and

7 WHEREAS, the Commission has held a public hearing on
 8 the Project after giving not less than ten (10) days notice by
 9 publication in two newspapers published or of general circulation
 10 in the City of Fort Wayne, and by resolution has heretofore found
 11 that the Project constitutes "economic development facilities
 12 and thus complies with the purposes and provisions of the Act
 13 and has approved the financing of the Project, including the
 14 form and terms of the Project Bonds (as hereinafter defined),
 15 the Agreement, the Indenture and the Bond Purchase Agreement, and
 16 such resolution has been received by this Legislative Authority;
 17 and

18 WHEREAS, it is determined by this Legislative Author-
 19 ity, pursuant to a resolution passed April 28, 1981, that the
 20 amount necessary to finance the costs of or related to the
 21 improvement and equipping of the Project, including the financ-
 22 ing thereof, will require the issuance, sale and delivery of
 23 Project Bonds in the aggregate principal amount of \$475,000 and
 24 hereafter may require the Issuer's best efforts to issue, sell
 25 and deliver Additional Bonds (as hereinafter defined) on a
 26 parity therewith, all of which Bonds shall be equally and
 27 ratably payable and secured as provided herein and in the Inden-
 28 ture;

29 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
 30 OF THE CITY OF FORT WAYNE, INDIANA:

31 SECTION 1. Definitions. In addition to the words and
 32 terms elsewhere defined in this Bond Legislation, in the Indenture

1 or in the Agreement, the following words and terms as used in
 2 this Bond Legislation and in the Indenture shall have the follow-
 3 ing meanings unless the context or use clearly indicates another
 4 meaning or intent:

5 "Act" means Chapter 36-7-12, as amended, Indiana Code.

6 "Additional Bonds" means Bonds of the Issuer which may
 7 be issued under Section 8 of this Bond Legislation.

8 "Additional Notes" means any promissory note, in addi-
 9 tion to the Note, delivered by the Company to the Trustee in
 10 connection with the issuance of Additional Bonds, as provided
 11 in the Agreement.

12 "Agreement" means the Loan Agreement between the Issuer
 13 and the Company, dated as of July 1, 1982, as from time to time
 14 amended or supplemented.

15 "Authorized Company Representative" means the person
 16 at the time designated pursuant to the Agreement to act on behalf
 17 of the Company.

18 "Bond" or "Bonds" means the Project Bonds and any
 19 Additional Bonds.

20 "Bond Fund" means the Bond Fund created by Section 7
 21 hereof.

22 "Bondholder" or "holder" or "holder of Bonds" means the
 23 bearer of a coupon Bond which is not registered as to principal
 24 or the principal of which is registered to bearer, or the person
 25 in whose name a registered Bond is registered, and "holder"
 26 when used with reference to a coupon means the bearer of the coupon.

27 "Bond Legislation" means (a) when used with reference
 28 to the Project Bonds, this Ordinance; (b) when used with reference
 29 to an issue of Additional Bonds, this legislation to the extent
 30 applicable and the legislation providing for the issuance of such
 31 Additional Bonds; and (c) when used with reference to Bonds when
 32 Additional Bonds are outstanding, this legislation and the legis-

lation providing for the issuance of Additional Bonds; all as from time to time may be lawfully amended or supplemented.

"Bond service charges" means, for any time period, the principal of, the premium, if any, and the interest on the Bonds for such time period.

"Code" means the Internal Revenue Code of 1954 as amended and references to the Code and Sections of the Code shall include relevant regulations and proposed regulations thereunder and any successor provisions to such Sections, regulations or proposed regulations.

"Company" means The B. F. Goodrich Company, a corporation for profit duly organized and validly existing under the laws of the State of New York and qualified to do business in the State, and its lawful successors and assigns.

"Construction Fund" means the Construction Fund created by Section 6 hereof.

"Coupon" or "interest coupon" means any of the coupons issued hereunder evidencing the installments of interest on the applicable coupon Bond.

"Coupon Bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Eligible Investments" means (i) any bonds or other obligations of the United States which as to principal and interest constitute direct obligations of the United States of America or are issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States, (ii) interest bearing accounts, time deposits or certificates of deposit in United States Dollars or Eurodollars of (a) the Trustee or (b) banks or trust companies, organized under the laws of Canada or the United States of America or any province or state

thereof or domestic branches of foreign banks, which have combined capital and surplus of at least \$10,000,000 in dollars of the United States of America or the Canadian equivalent thereof, (iii) obligations issued or guaranteed by any state of the United States or the District of Columbia, or any political subdivision of any such state or district, (iv) commercial paper or finance company paper rated A-1 or P-1, or their equivalents, by Standard & Poor's Corporation and Moody's Investors Service, Inc., respectively, or their successors, (v) bankers acceptances drawn on and accepted by commercial banks, or (vi) repurchase agreements fully secured by any one or more of the foregoing; provided that any such investment or deposit is not prohibited by law.

"Executive" means the Mayor of the Issuer.

"Fiscal Officer" means the City Clerk of the Issuer.

"Indenture" means the Trust Indenture between the Issuer and the Trustee, dated as of July 1, 1982, including this Bond Legislation as part thereof, as from time to time amended or supplemented.

"Interest Payment Date" means as to the Project Bonds each January 1 and July 1, commencing January 1, 1983.

"Issuer" means the City of Fort Wayne, Indiana.

"Legal Officer" means the City Attorney of the Issuer.

"Legislative Authority" means the Common Council of the Issuer.

"Loan" means the loan by the Issuer to the Company of the proceeds from the sale of the Bonds, after deducting any accrued interest paid by the Original Purchaser.

"Loan Payments" means the amounts required to be paid by the Company in repayment of the Loan pursuant to the provisions of Section 4.1 of the Agreement.

"Note" means the promissory note of the Company attached to the Agreement as Exhibit A, in the principal amount of \$475,000

1 evidencing the obligation of the Company to make Loan Payments and
2 delivered by the Company to the Trustee pursuant to the Agreement.

3 "Notes" means the Note and any Additional Notes.

4 "Original Purchaser" means, as to the Project Bonds,
5 McDonald & Company, Cleveland, Ohio, and as to Additional Bonds,
6 the person or persons identified as such in the applicable Bond
7 Legislation providing for the issuance of such Additional Bonds.

8 "Outstanding Bonds" or "Bonds outstanding" or
9 "outstanding" as applied to Bonds, means, as of any date, all
10 Bonds which have been authenticated and delivered by the Trustee
11 under the Indenture except:

- 12 (a) Bonds surrendered for and replaced upon
13 exchange or transfer, or cancelled because
14 of payment or redemption prior to maturity,
15 at or prior to such date;
- 16 (b) Bonds for the payment, redemption or purchase
17 for cancellation of which sufficient moneys
18 have been deposited prior to such date with
19 the Trustee (whether upon or prior to the
20 maturity or redemption date of any such
21 Bonds), or which are deemed to have been
22 paid and discharged pursuant to the provi-
23 sions of the Indenture; provided that if
24 such Bonds are to be redeemed prior to the
25 maturity thereof, notice of such redemption
26 shall have been given or arrangements to
27 the reasonable satisfaction of the Trustee
28 shall have been made therefor, or waiver of
29 such notice satisfactory in form to the
30 Trustee shall have been filed with the
31 Trustee; and
- 32 (c) Bonds in lieu of which others have been

1 authenticated (or payment, when due, of
2 which is made without replacement) under
3 Section 2.05 of the Indenture.

4 "Person" or words importing persons mean and include
5 firms, associations, partnerships (including limited partnerships)
6 societies, trusts (public or private) corporations or other legal
7 entities including public or governmental bodies, as well as
8 natural persons.

9 "Project" means (a) the real estate at the time com-
10 prising the Project Site as defined in the Agreement and (b) the
11 real and personal property at the time comprising the Project
12 Facilities as defined in the Agreement, together constituting an
13 "economic development facility" as defined in the Act.

14 "Project Bonds" means the \$475,000 Economic Development
15 Revenue Bonds, Series 1982 (BFGoodrich Project) of the Issuer
16 authorized in Section 3 hereof.

17 "Project Purposes" means acquiring, constructing,
18 equipping or improving real and personal property comprising
19 economic development facilities to be used for the sale and
20 service of automotive equipment and other consumer products, or
21 such as may otherwise be permitted by the Agreement.

22 "Registered Bonds" means Bonds registered in the name
23 of the holder, including coupon Bonds registered as to principal
24 (except to bearer) and fully registered Bonds; and "fully regis-
25 tered Bonds" means Bonds without coupons registered as to both
26 principal and interest.

27 "Revenues" means (a) the Loan Payments, (b) subject to
28 the provisions of Sections 3.04 and 8.02 of the Indenture with
29 respect to the Trustee holding moneys for the benefit of the
30 holders of particular Bonds, all other moneys received or to be
31 received by the Issuer, or the Trustee for the account of the
32 Issuer, in respect of repayment of the Loan including moneys in

the Bond Fund, (c) unexpended moneys in the Construction Fund, and (d) all income and profit from the investment of the Loan Payments and such other moneys.

"State" means the State of Indiana.

"Trustee" means the trustee under the Indenture, originally Fort Wayne National Bank, Fort Wayne, Indiana, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference to the Issuer, to the Legislative Authority, or to any member or officer of either, shall include those succeeding to their functions, duties or responsibilities pursuant to or by operation of law or lawfully performing their functions. Any reference to a section or provision of the Constitution of the State or the Act, or to a section, provision or chapter of the laws of the State shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded, provided that no such change in said Constitution or laws shall be applicable solely by reason of this provision if such change in any way constitutes an impairment of the rights or obligations of the Issuer, the Bondholders, the Trustee or the Company under this Bond Legislation, the Agreement, the Note or the Indenture, or any other document executed in connection with any of the foregoing, including, without limitation, any alteration of the obligation to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder", and similar terms refer to Bond Legislation and the Indenture; and the term "hereafter" means after, and the term

"heretofore" means before, the effective date of the Bond Legislation. Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender.

The captions and headings in this Bond Legislation shall be solely for convenience of reference and in no way define, limit or describe the scope or intent of any provisions or Sections of the Bond Legislation.

SECTION 2. Determinations of Legislative Authority.

The Legislative Authority does hereby determine that (a) the Project constitutes economic development facilities within the meaning of the Act and the proposed financing thereof as herein authorized will be of benefit to the health and welfare of the Issuer by tending to overcome deficiencies previously found to exist in the community, to wit: insufficient employment opportunities and insufficient diversification of economic development facilities; (b) the proposed financing of the Project, as herein authorized, complies with the purposes and provisions of the Act and the utilization of the Project is in furtherance of the purposes of the Act and will benefit the people of the Issuer and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the Issuer and of said State; and (c) the provision of loan assistance in the financing of costs of acquiring, constructing, equipping or improving the Project, including the financing of the costs thereof, will require the issuance, sale and delivery of the Project Bonds and hereafter may require the Issuer's best efforts to issue, sell and deliver Additional Bonds on a parity therewith, all of which Bonds shall be equally and ratably payable and secured as provided herein and in the Indenture.

SECTION 3. Authorization and Terms of Project Bonds.

It is determined to be necessary to, and the Issuer shall, issue,

1 sell and deliver, as provided and authorized herein and pursuant
2 to the authority of the Act, the Project Bonds for the purpose
3 of making a loan to assist the Company in the financing of costs
4 of acquiring, constructing, equipping or improving the Project
5 for the Project Purposes. The Project Bonds shall be designated
6 "Economic Development Revenue Bonds, Series 1982 (BFGoodrich
7 Project)". The Issuer may also issue, sell and deliver Additional
8 Bonds on a parity with the Project Bonds for the purposes and
9 in the manner provided in Section 8 of this Bond Legislation.

10 (a) Form, Numbering, Denomination and Date. The
11 Project Bonds shall be initially issued in coupon or fully
12 registered form as may be requested by the Original Purchaser
13 thereof, shall be exchangeable for fully registered or coupon
14 bonds in the manner and on the terms provided in the Indenture,
15 and shall be numbered as determined by the Executive or Fiscal
16 Officer. Project Bonds in coupon form shall be in the denomina-
17 tion of \$5,000 each, shall be registrable as to principal, and
18 shall be dated as of July 1, 1982. Project Bonds in fully
19 registered form shall be in the denomination of \$5,000 and any
20 multiple thereof permitted by the Indenture, and shall be dated
21 as of July 1, 1982 if authenticated prior to the first Interest
22 Payment Date on the Project Bonds, and otherwise shall be dated
23 as of the Interest Payment Date next preceding the date of
24 their authentication except that if authenticated on an Interest
25 Payment Date they shall be dated as of such date of authentica-
26 tion; provided that if at the time of authentication interest
27 thereon is in default, they shall be dated as of the date to
28 which interest has been paid. The Project Bonds shall be executed
29 and delivered within 30 days of passage of this Bond Legislation.

30 (b) Interest Rate and Principal Maturities. The
31 Project Bonds shall bear interest from their respective dates
32 ~~at a rate not to exceed fifteen per centum (15%) per annum as~~
at the rate of fourteen and five eights per centum
(14,5/8%) per annum

1 ~~determined by the Common Council prior to the adoption of this~~
2 ~~Bond Legislation~~, payable on each Interest Payment Date, and
3 shall mature on July 1, 2002.

4 (c) Redemption Provisions. The Project Bonds are
5 subject to mandatory redemption prior to maturity, by lot in such
6 manner as the Trustee may determine, at a redemption price of
7 100% of the principal amount thereof plus interest accrued to the
8 redemption date, on July 1, 1998 and on each July 1 thereafter
9 prior to maturity, in the following principal amounts in the years
10 specified.

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1998	\$50,000	2000	\$50,000
1999	\$50,000	2001	\$50,000

14 If retired only by such mandatory redemption prior to maturity,
15 there would remain \$275,000 principal amount of Project Bonds
16 due July 1, 2002 to be paid at maturity. The aggregate of the
17 Loan Payments specified in Section 4.1 of the Agreement, which
18 is to be deposited in the Bond Fund on the Loan Payment Date as
19 defined in the Agreement, shall include amounts sufficient to
20 redeem (less the amount of any credit as provided below) on the
21 dates specified above the principal amount of the Project Bonds
22 set opposite each such date.

23 The Issuer, or the Company on behalf of the Issuer,
24 shall have the option to deliver to the Trustee for cancellation
25 Project Bonds in any aggregate principal amount with, if coupon
26 Project Bonds, all unmatured coupons attached or receive a credit
27 against the current mandatory sinking fund requirement (and
28 corresponding mandatory redemption obligation) of the Issuer as
29 set forth above for any Project Bonds previously redeemed (other
30 than through the operation of the mandatory sinking fund require-
31 ments) or purchased for cancellation and cancelled by the Trustee
32 and not theretofore applied as a credit against any redemption

obligation. Each Project Bond so delivered, or previously redeemed or cancelled, shall be credited by the Trustee at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory redemption date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of Project Bonds to be redeemed by operation of the mandatory sinking fund requirements shall be accordingly reduced.

Such option shall be exercised by the Issuer, or the Company on behalf of the Issuer, on or before the forty-fifth day preceding the applicable mandatory redemption date as set forth above by furnishing the Trustee a certificate, executed by the Fiscal Officer or the Authorized Company Representative, as the case may be, setting forth the extent of the credit to be applied with respect to such mandatory sinking fund requirement. If such certificate is not timely furnished to the Trustee, the mandatory sinking fund requirement (and corresponding mandatory redemption obligation) shall not be reduced.

The Project Bonds are also subject to redemption prior to stated maturity in the event of the exercise by the Company of its option to direct such redemption upon the occurrence of any of the events specified in Section 6.2 of the Agreement. If called for redemption upon the occurrence of any such events, the Project Bonds shall be subject to redemption by the Issuer on any date, in whole or (in the case of redemption in the event of condemnation of part of the Project, as provided in Section 6.2 of the Agreement) in part, at a redemption price of 100 percent of the principal amount thereof, plus accrued interest to the redemption date.

The Project Bonds are also subject to loss of tax exemption redemption upon a Final Determination as hereafter defined that, as a result of a failure by the Company to observe

its agreement contained in Section 5.6 of the Agreement, interest on the Project Bonds is wholly or partially includable for federal income tax purposes in the gross income of the holders of the Project Bonds (other than because a holder is a "substantial user" of the Project or a "related person" thereof, as those terms are used in Section 103(b)(10) of the Code). As used herein, a "Final Determination" shall be deemed to have occurred upon the receipt by the Trustee of a ruling or technical advice by the Internal Revenue Service in which the Company has participated. Following a Final Determination, the Project Bonds shall be redeemed by the Issuer from the proceeds of the Company paying advance Loan Payments pursuant to Sections 4.1 and 6.3 of the Agreement at a redemption price equal to 111% of the principal amount thereof, plus accrued interest to the redemption date, at the earliest practicable date selected by the Trustee, after consultation with the Company, but in no event later than 180 days following the Trustee's notification of such Final Determination. If the Project Bonds are not redeemed within said 180 days after the date of such notification, then the redemption price shall be increased by 1/2% of the principal amount thereof for each 180-day period that the Project Bonds remain outstanding thereafter. All of the Project Bonds outstanding on the redemption date selected shall be redeemed by the Issuer on such date, except that Project Bonds maturing on or prior to such redemption date, but after the aforesaid selection of a redemption date, shall be retired on their maturity date at the same redemption price as if they had been called for redemption on such redemption date, and Project Bonds for the payment or redemption of which sufficient moneys or investments are held by the Trustee as provided in Section 8.02 of the Indenture shall be redeemed on the redemption date, or paid at earlier maturity, in accordance with this paragraph and not otherwise.

Unless previously redeemed, the Project Bonds are also subject to optional redemption (from funds other than those deposited in accordance with the mandatory sinking fund requirements of this subsection) by and at the option of the Issuer, at the direction of the Company, prior to stated maturity in whole or in part on any date on or after July 1, 1992, at redemption prices equal to the following percentages of the principal amount redeemed, plus in each case accrued interest to the date fixed for redemption:

<u>If Redeemed (dates inclusive)</u>	<u>Redemption Price</u>
July 1, 1992 to June 30, 1993	103%
July 1, 1993 to June 30, 1994	102%
July 1, 1994 to June 30, 1995	101%
July 1, 1995 and thereafter	100%

If less than all of the outstanding Project Bonds are called for redemption at one time, they shall be called in inverse order of the maturities of the Project Bonds outstanding, and if less than all of the outstanding Project Bonds of one maturity are to be called, the selection of such Project Bonds, or portions of fully registered Project Bonds, of such maturity to be called shall be made by lot by the Trustee in such manner as the Trustee may determine.

Notice of the call for redemption of the Project Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Project Bonds, or portions of fully Registered Project Bonds, to be redeemed, the amount of principal being redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by at least two publications in a newspaper or financial journal of national circulation published in the City and State of New York, the first such publication to be not less than thirty days prior to the redemption date, and, in the case

of the redemption of Project Bonds at the time in fully registered form or in coupon form registered as to principal, by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty days prior to the date fixed for redemption to the registered owner of each such Project Bond to be redeemed at the address shown on the registration books kept by the Trustee; provided, that failure to give or receive such notice by mailing, or any defect in such notice, shall not affect the validity of any proceedings for the redemption of the Project Bonds. If, because of the temporary or permanent suspension of publication or national circulation of the appropriate newspaper or financial journals or for any other reason, it is impossible or impractical to publish such notice of call for redemption in the manner herein provided, then such publication in lieu thereof shall be made with the approval of the Trustee shall constitute a sufficient publication of notice. In the event that all of the Project Bonds to be redeemed are at the time in the form of registered bonds, notice of the call for redemption may be given by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty days prior to the date fixed for redemption to the holder or holders thereof, at the address shown on the registration books kept by the Trustee and published notice of the call for redemption need not be given; provided, that failure to give or receive such notice to any Bondholder by mailing, or any defect in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Project Bonds.

Bond service charges on the Project Bonds shall be payable, without deduction for services of the Trustee at the corporate trust office of the Trustee, except that interest on the fully registered Project Bonds shall be payable by check or draft as provided in the Indenture.

The Project Bonds shall be signed in their official capacities by the Executive and the Fiscal Officer, provided that any or all of such signatures may be facsimiles. All coupons shall be executed on behalf of the Issuer by the facsimile signature of the Executive or Fiscal Officer.

SECTION 4. Terms of all Bonds. All Bonds shall bear such designations as may be necessary to distinguish them from Bonds of any other series. Bond service charges on all Bonds shall be payable in lawful money of the United States of America. All Bonds shall be negotiable instruments subject to applicable provisions for transfer and registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

Subject to provisions of the applicable Bond Legislation, Bonds shall be issuable as coupon Bonds registrable as to principal or as fully registered Bonds, and may be exchanged as between forms, all as provided in the Indenture.

All Bonds and Coupons thereon shall be executed in the manner provided in the Bond Legislation authorizing their issuance or in the manner provided by the applicable law in effect at the time of their issuance. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or Coupon shall cease to be such officer before the issuance of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until that time.

Unless otherwise provided in the Bond Legislation authorizing the issuance of Additional Bonds, notice of call for redemption of all Bonds shall be given in the manner provided in Section 3 hereof for the notice of call for redemption of the Project Bonds. If Bonds or portions of fully registered Bonds are duly called for redemption and if on such redemption date

moneys for the redemption of all the Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee so as to be available therefore, then from and after such redemption date such Bonds or portions of fully registered Bonds shall cease to bear interest and any coupon for interest thereon maturing subsequent to the redemption date shall be void.

As provided herein, the Project Bonds and any Additional Bonds shall be equally and ratably payable solely from the Revenues and shall be secured by a pledge of the Revenues and by the Indenture. The Bonds shall be further secured by the Notes delivered by the Company to the Trustee pursuant to the Agreement. Anything in the Bond Legislation, the Bonds or the Indenture to the contrary notwithstanding, nothing contained in the Bond Legislation, the Bonds, or the Indenture shall constitute a general obligation of the Issuer nor are the Bonds payable in any manner from revenues raised by taxation, and the Bonds shall contain on the face thereof a statement to that effect and that such Bonds are payable solely from the Revenues; provided, that nothing herein shall be deemed to prohibit the Issuer, of its own volition, from using to the extent lawfully authorized to do so any other resources for the fulfillment of any of the terms, conditions or obligations of the Indenture, the Bond Legislation or any of the Bonds.

SECTION 5. Sale of Project Bonds. The Project Bonds are sold and awarded to the Original Purchaser, in accordance with the Bond Purchase Agreement among the Issuer, such Original Purchaser and the Company (the "Bond Purchase Agreement") at a purchase price of \$460,750, plus any accrued interest on the face amount of the Project Bonds from the date thereof to the date of delivery of and payment therefore. The Executive and the Fiscal Officer are authorized and directed to make the necessary arrangements with the Original Purchaser to establish the date, location, procedure

1 and conditions for the delivery of the Project Bonds to the
 2 Original Purchaser, and to take all steps necessary to effect due
 3 execution, authentication and delivery to the Original Purchaser
 4 of the Project Bonds under the terms of this Bond Legislation
 5 and the Indenture to the extent not provided for in said Bond
 6 Purchase Agreement provided that the terms hereof shall control
 7 in the event of any inconsistency with the terms of said Bond
 8 Purchase Agreement. It is hereby determined that the price for
 9 and the terms of the Project Bonds, and sale thereof, all as pro-
 10 vided in this Bond Legislation, are in the best interest of the
 11 Issuer and in compliance with all legal requirements.

12 SECTION 6. Allocation of Proceeds of Project Bonds -
 13 Construction Fund. All of the proceeds from the sale of the Pro-
 14 ject Bonds (including accrued interest thereon) shall be allocated
 15 deposited, and credited as follows:

16 (a) To the Bond Fund, accrued interest, if any, paid
 17 by the original Purchaser.

18 (b) To the Construction Fund, the balance of the pro-
 19 ceeds of the Project Bonds.

20 There is created by the Issuer and ordered maintained
 21 as a separate deposit account (except when invested as herein-
 22 after provided) in the custody of the Trustee a trust fund in the
 23 name of the Issuer to be designated "City of Fort Wayne, Indiana -
 24 The B.F. Goodrich Company Construction Fund" (the "Construction
 25 Fund"). Moneys in the Construction Fund may be invested as
 26 provided in Section 10 hereof and shall be disbursed in accordance
 27 with the provisions of the Agreement. The Trustee is authorized
 28 and directed to make any such disbursement from the Construction
 29 Fund in accordance with the provisions of the Agreement.

30 The moneys and Eligible Investments to the credit of
 31 the Construction Fund shall, pending disbursement pursuant to the
 32 Agreement, constitute a part of the Revenues pledged and assigned

1 to the Trustee as security for the payment of the Bond service
 2 charges.

3 SECTION 7. Sources of Payment - Bond Fund. As provided
 4 in the Agreement, and as evidenced and to be evidenced by the
 5 Notes, Bond service charges, as they come due, shall be payable
 6 (i) in the first instance, from the Loan Payments to be made by
 7 the Company directly to the Trustee for the account of the Issuer
 8 pursuant to the terms of the Agreement and deposited in the Bond
 9 Fund, (ii) if such Loan Payments are not made or moneys then on
 10 deposit in the Bond Fund and available for such purposes are
 11 insufficient to meet such Bond service charges, from other
 12 Revenues to the extent then available and (iii) from any other
 13 source lawfully available to the Trustee.

14 There is created by the Issuer and ordered maintained
 15 as a separate deposit account (except when invested as herein-
 16 after provided) in the custody of the Trustee, a trust fund to be
 17 designated "City of Fort Wayne, Indiana - The B.F. Goodrich Company
 18 Revenue Bond Fund" (the "Bond Fund"). The Bond Fund (and accounts
 19 therein provided for in the Indenture or in the Agreement) and
 20 the moneys and Eligible Investments therein are hereby pledged to
 21 and shall be used solely and exclusively for the payment of Bond
 22 service charges as they fall due at stated maturity or by redemp-
 23 tion or pursuant to any mandatory sinking fund requirements, all
 24 as provided herein and in the Indenture and the Agreement, provided
 25 that no part thereof (except as may otherwise be provided for
 26 herein, in the Indenture or the Agreement) shall be used to redeem
 27 prior to maturity, any Bonds.

28 There shall be deposited into the Bond Fund (and
 29 credited, if required by the Indenture or Agreement, to appro-
 30 priate accounts therein), as and when received, (a) all Loan
 31 Payments, (b) all other Revenues except for the amounts required
 32 by the Bond Legislation, the Indenture, or the Agreement to be

deposited into the Construction Fund or any separate insurance or condemnation proceeds account and (c) amounts, if any, transferred from the Construction Fund pursuant to Section 3.4 of the Agreement.

Nothing in this Bond Legislation is intended to prevent the Company from delivering moneys to the Trustee pursuant to Section 4.5 of the Agreement to be used to purchase or redeem Bonds in accordance with that Section and the Trustee shall promptly apply such moneys to the purchase or redemption of Bonds in accordance with the Company's instructions.

SECTION 8. Additional Bonds. The Issuer, at the request of the Company if the Company is not then in default under the Agreement, to the extent then permitted by law and for purposes consistent with the Act shall use its best efforts to issue Additional Bonds from time to time to provide for:

- (i) completion of the Project, or
- (ii) the acquisition for the Project of additional real estate or interests therein within the boundaries of the Issuer, repairs to the Project of a major nature arising from casualty or unanticipated conditions, or the acquisition, construction, enlargement, improvement, equipping, furnishing and installation of property to be used in connection with the Project and to be located on the Project Site as defined in the Agreement, or any combination thereof, or
- (iii) refunding outstanding Bonds, or
- (iv) any combination of the purposes described in clauses (i) through (iii) hereof;

provided, that the proceeds of any Additional Bonds shall be used by the Company solely to pay permissible costs under the Act and that the issuance of such Additional Bonds shall not result in

the interest on the Bonds outstanding immediately prior to such issuance becoming subject to federal income tax. Such Additional Bonds shall be on a parity with the Project Bonds and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount for all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then to be outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation.

SECTION 9. Covenants and Representations of Issuer.

In addition to other covenants and representations of the Issuer contained in this Bond Legislation and the Indenture, the Issuer further covenants, represents and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond service charges on each and all Bonds on the dates, at the places and in the manner provided herein, in the applicable Bond Legislation and in the Bonds and coupons.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Agreement, this Bond Legislation, the Indenture and in any and every Bond executed, authenticated and delivered under the Indenture, and in all proceedings of its Legislative Authority pertaining thereto, on its part to be performed or observed. The Issuer represents that it is, and upon delivery of the Project Bonds covenants that it will be, duly authorized by

1 the Constitution and laws of the State, including particularly
 2 and without limitation the Act, to issue the Project Bonds, to
 3 execute the Indenture, the Agreement and other documents to which
 4 it is a party and as authorized by Section 12 hereof, and to
 5 provide the security for payment of the Bond service charges in
 6 the manner and to the extent herein and in the Indenture set
 7 forth; that all actions on its part for the issuance of the Pro-
 8 ject Bonds and execution and delivery of the Indenture, the
 9 Agreement and such other documents have been or will be duly and
 10 effectively taken; and that the Project Bonds and any coupons
 11 appertaining thereto in the hands of the holders thereof will be
 12 valid and enforceable special obligations of the Issuer accord-
 13 ing to the terms thereof. Each obligation of the Issuer required
 14 to be undertaken pursuant to the Bond Legislation, the Indenture,
 15 the Agreement, and the Bonds is binding upon the Issuer, and such
 16 officer or employee thereof as may from time to time have the
 17 authority under law to take such actions as may be necessary to
 18 perform all or any part of such obligation, as a duty of the
 19 Issuer and of each such officer and employee resulting from an
 20 office, trust, or station.

21 (c) Revenue and Assignment of Revenues. Except as
 22 otherwise provided in the Bond Legislation, Indenture, and
 23 Agreement, the Issuer will not pledge or assign the Revenues or
 24 create or permit to be created any debt, lien or charge thereon
 25 other than the pledge and assignment thereof under this Bond
 26 Legislation and the Indenture.

27 (d) Recordings and Filings. The Issuer will, at the
 28 expense of the Company, cause the Agreement and any related docu-
 29 ments or instruments relating to the pledge and assignment made
 30 by it to secure the Bonds, to be recorded and filed in such
 31 manner and in such places as may be required by law in order to
 32 fully preserve and protect the security of the holders of the

1 Bonds and the rights of the Trustee under the Agreement and the
 2 Indenture.

3 (e) Inspection of Project Books. All books and
 4 documents in the Issuer's possession relating to the Project and
 5 the Revenues shall at all times during the Issuer's regular
 6 business hours be open to inspection by such accountants or
 7 other agents of the Trustee as the Trustee may from time to time
 8 designate.

9 (f) List of Bondholders. To the extent that such
 10 information shall be made known to the Issuer under the terms
 11 of this subsection, the Issuer will keep or arrange to have kept
 12 on file at the corporate trust office of the Trustee a list of
 13 names and addresses of the last known holders of Bonds payable to
 14 bearer. Any Bondholder may in writing addressed to the Issuer
 15 or Trustee request that his name and address be placed on said
 16 list, which request shall include a statement of the principal
 17 amount of Bonds held by such holder and identifying, by number and
 18 series designation, such Bonds. Neither the Issuer nor the
 19 Trustee shall be under any responsibility with regard to the
 20 accuracy of said list. At reasonable times and under reasonable
 21 regulations established by the Trustee, said list may be inspected
 22 and copied by the Company, or by holders (or a designated repre-
 23 sentative thereof) of twenty-five percent or more in principal
 24 amount of Bonds then outstanding, such holding and the authority
 25 of any such designated representative to be evidenced to the
 26 satisfaction of the Trustee.

27 (g) Rights and Enforcement of the Agreement. The
 28 Trustee, in its name or in the name of the Issuer, may, for and
 29 on behalf of the Bondholders, enforce all rights of the Issuer,
 30 except for Unassigned Issuer's Rights as defined in the Agreement,
 31 and all obligations of the Company under and pursuant to the
 32 Agreement, whether or not the Issuer is in default of the pursuit

1 or enforcement of such rights and obligations. However, the
2 Issuer shall do all things and take all actions on its part
3 necessary to comply with obligations, duties and responsibilities
4 on its part under the Agreement, and will take all actions within
5 its authority to keep the Agreement in effect in accordance with
6 the terms thereof.

7 (h) Arbitrage Provisions and Transcript of Proceedings.

8 The Issuer will restrict the use of the proceeds of the Project
9 Bonds in such manner and to such extent, if any, as may be neces-
10 sary, after taking into account reasonable expectations at the
11 time of the delivery of any payment for such Project Bonds, so
12 that the Project Bonds will not constitute arbitrage bonds under
13 Section 103(c) of the Internal Revenue Code and the regulations
14 prescribed under that Section. The Fiscal Officer or any other
15 officer having responsibility for issuing the Project Bonds is
16 authorized and directed, alone or in conjunction with any of the
17 foregoing or with any other officer, employee, consultant or
18 agent of the Issuer or with the Company or any employee, consul-
19 tant or agent of the Company to give an appropriate certificate
20 of the Issuer, for inclusion in the transcript of proceedings for
21 the Project Bonds, setting forth the reasonable expectations of
22 the Issuer regarding the amount and use of the proceeds of the
23 Project Bonds and the facts, estimates and circumstances on
24 which they are based, such certificate to be premised on the
25 reasonable expectations and the facts, estimates and circumstances
26 on which they are based as provided by the Company, all as of the
27 date of delivery of and payment for the Project Bonds.

28 (i) Transcript of Proceedings. The Fiscal Officer,
29 or other appropriate officer of the Issuer, shall furnish to the
30 Original Purchaser a true transcript of proceedings, certified by
31 said officer, of all proceedings had with reference to the
32 issuance of the Project Bonds along with such information from

1 the records as is necessary to determine the regularity and
2 validity of the issuance of said Bonds.

3 SECTION 10. Investment of Bond Fund and Construction

4 Fund. Moneys in the Bond Fund and Construction Fund shall be
5 invested and reinvested by the Trustee in any Eligible Investments
6 at the oral or written direction of the Authorized Company
7 Representative, provided that investments of moneys in the Bond
8 Fund shall mature or be redeemable at the option of the Trustee
9 at the times and in the amounts necessary to provide moneys to pay
10 Bond service charges as they fall due at stated maturity or by
11 redemption or pursuant to any mandatory sinking fund requirements,
12 and that each investment of moneys in the Construction Fund shall
13 in any event mature or be redeemable at the option of the Trustee
14 at such time as may be necessary to make payments from said Fund.
15 Subject to any such directions with respect thereto, the Trustee
16 may from time to time sell such investments and reinvest the
17 proceeds therefrom in Eligible Investments maturing or redeemable
18 as aforesaid. Any such investments may be purchased from or sold
19 to the Trustee or any commercial bank affiliated with the Trustee.
20 The Trustee shall sell or redeem investments standing to the credit
21 of the Bond Fund to produce sufficient moneys applicable hereunder
22 to and at the times required for the purposes of paying Bond
23 service charges when due as aforesaid, and shall do so without
24 necessity for any order on behalf of the Issuer and without
25 restriction by reason of any such order. An investment made from
26 moneys credited to the Bond Fund or the Construction Fund shall
27 constitute part of that respective Fund and such respective Fund
28 shall be credited with all proceeds of sale and income from such
29 investment. For purposes of this Indenture and the Bond Legisla-
30 tion, such investments shall be valued at face amount or market
31 value, whichever is less.

32 SECTION 11. Indenture and Agreement. In order to

1 provide for the issuance and sale of the Project Bonds and the
2 consummation of the transactions to be consummated thereby, the
3 Executive and the Fiscal Officer are hereby authorized and directed
4 to execute, acknowledge and deliver, in the name and on behalf of
5 the Issuer, the Indenture and the Agreement in substantially
6 the forms submitted to this Legislative Authority, which instru-
7 ments are hereby approved, with such changes therein not inconsis-
8 tent with this Bond Legislation and not substantially adverse to
9 the Issuer as may be permitted by the Act and approved by the
10 officers executing the same on behalf of the Issuer. The approval
11 of such changes by said officers, and that such are not substan-
12 tially adverse to the Issuer, shall be conclusively evidenced
13 by the execution of such instruments.

14 This Bond Legislation shall constitute a part of the
15 Indenture as therein provided and for all purposes of said Inden-
16 ture, including, without limitation thereto, application to this
17 Bond Legislation of the provisions in the Indenture relating to
18 modification and supplementation, and provisions for severability.

19 SECTION 12. Other Documents; Incorporation by Reference
20 The Executive and the Fiscal Officer, as appropriate, are further
21 authorized and directed to execute the Bond Purchase Agreement,
22 such certifications, financing statements, assignments and instru-
23 ments as are, in the opinion of Bond Counsel, necessary or appro-
24 priate to perfect the pledge and assignments set forth in the
25 Indenture and to consummate the transactions contemplated by this
26 Bond Legislation or provided for in the Indenture and the Agree-
27 ment.

28 Pursuant to Section 36-1-5-4, Indiana Code, as amended,
29 the Indenture, the Agreement, the Note and the Bond Purchase
30 Agreement, two copies of each of which are on file in the office
31 of the Clerk of this Legislative Authority for public inspection,
32 are hereby incorporated by reference into this Bond Legislation.

1 SECTION 13. Compliance with the Open Meeting Require-
2 ments. It is hereby found and determined that all official actions
3 and final actions of this Legislative Authority concerning and
4 relating to the adoption of this Bond Legislation were adopted
5 in meetings open to the public, and that all deliberations of
6 this Legislative Authority and of any of its committees that
7 resulted in these final actions were conducted openly, in
8 compliance with all legal requirements.

9 SECTION 14. Effective Date. This Bond Legislation
10 shall take effect and be in force immediately upon its adoption.
11
12

Mark E. GiaQuinta

COUNCILMAN

Read the third time in full and on motion by Burns, seconded by
Eisbart and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Six

Burns, Eisbart, Schimdt, Schomburg, Stier, Talarico

Nays: None

Absent: Three

Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana as Special Ordinance No. S-110-82 on the 22nd day of June, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-05-09

SPECIAL ORDINANCE NO. S-111-82

AN ORDINANCE approving a certain bid document for the purchase of complete uniforms for sixteen (16) recruits in the Police Department for the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1024 dated March 23, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety and Badger Uniforms for complete uniforms for sixteen (16) recruits in the Police Department at a total approximate cost of Eleven Thousand and No/100 (\$11,000.00) Dollars. The shirts are not to exceed the purchase price of \$29.95 and all as more particularly set forth in said bid document reference number 1024 and Purchase Order Number A-17229, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, Nuckols, GiaQuinta

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-111-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-14

SPECIAL ORDINANCE NO. S-112-82

AN ORDINANCE approving Civil City
Purchase Order No. A-017601 with
Indiana Equipment Company, Inc. for
equipment for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A017601, dated May 26, 1982, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Board of Public Works and Indiana Equipment Company, Inc., for:

One (1) alley size Motor Grader for
the Street Department

at a total cost of Thirty One Housand Nine hundred Eightysix and 60/100 (\$31,986.60) Dollars, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-112-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-09

RESOLUTION NO. R-32-82

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT

COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$5,000,000 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT,
TOKHEIM CORPORATION TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Tokheim Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development financing to the Applicant for the same, said economic development facility to be purchase of machinery and equipment and expansion and renovation of the existing office building, the electrical expansion of the Machine Shop, the replacement of the factory roof and other improvements to the buildings located at 1600 Wabash Avenue, in the City of Fort Wayne, Indiana, located on a 13.5 acre plot of land (the "Project")1 and

WHEREAS, the diversification of industry and an increase in additional job opportunities over the next few years, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instrument and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six

Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absnt: Three

Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-32-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-02-17

GENERAL ORDINANCE NO. G-10-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a north/south alley south
of Jefferson Blvd.

WHEREAS, (1) a petition to vacate a north/south alley south of Jefferson Blvd., lying between Broadway and Fulton, (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation thereon to this body approving said petition, all in accordance with I.C. 18-7-4-512(2) (Burns Ind. Stat. Ann., 1980 Supp.)

WHEREAS, this body concurs in the recommendation of the City Plan Commission:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Wayne on the east side; the ten foot wide alley running east and west of Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan is hereby approved.

SECTION 2. That by reason of this approval, said petitioner(s) may now proceed with said vacation before the Fort Wayne Board of Public Works, under I.C. 18-1-7-1, for an administrative order of vacation and an assessment of benefits and damages to affected property owners, or before the Allen Circuit or Superior Courts under I.C. 18-5-10-44, for a judicial decess of vacation and an assessment of benefits and damages to affected property owners.

SECTION 3. That the Ordinance shall be effective upon passage and approval by the Mayor and due legal publication.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: Three
 Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-10-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-82-05-14 (as amended)

GENERAL ORDINANCE NO. G-11-82

AN ORDINANCE amending Chapter 33 of the
 Municipal Code of the City of Fort Wayne,
 Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 33-3 (KK) is repealed in its entirety and in its place the following is substituted:

(KK) Kennel, Animal Any place where domestic animals
 (those animals customarily kept as pets) are, for
 commercial purposes, present or kept.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
 Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
 Burns, Eisbart, Schomburg, Stier, Talarico
 Nays: ONE
 Schmidt
 Absent: Three
 Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

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BILL NO. G-82-05-15

GENERAL ORDINANCE NO. G-12-82

AN ORDINANCE amending Chapter 33 of the
Code of the City of Fort Wayne.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. Section 33-14 is amended by adding the following:

0. Professional Office District (P.O.D.)

(1.) Purpose

The Professional Office District (P.O.D.) is designed to provide specific areas where professional offices, businesses compatible with these offices, and certain public and quasi-public uses may be developed into a center with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt their use.

Since these structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, the Professional Office District can also serve as a buffer between residential areas and areas of more intensive commercial use.

(2.) Permitted Uses

Offices only - administrative, business, government, and professional. Including, but not limited to the following:

- a. Dentist's office
- b. Doctor's office
- c. Medical Related services
- d. Architect's office

- e. Planning office
- f. Professional engineer's office
- g. Accountant's office
- h. Law office
- i. Real estate and related services
- j. Insurance office
- k. Interior designer's office
- l. Finance company (no vehicle storage)
- m. Land Surveyor's office (no outside equipment storage)
- n. Advertising office
- o. Stockbroker's office
- p. Bank, Savings & Loan Association or Credit Union

(3.) Pre-application Conference and Submission

When an applicant desires to rezone a parcel of land to a PDD, he shall confer with the City Planning Office and interested department heads in connection with the preparation of the Planned Office District application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission to the Planned Office Development application. Thereafter, the Division of Planning within the Department of Community Development and Planning shall furnish the applicant with written comments regarding the proposed applicant's general outline, including recommendations to inform and assist the applicant prior to his preparing the components of the Planned Office Development application. It is not required that any person requesting a pre-application conference be an

owner or holder of an equitable interest in the subject property.

(4.) Development Plan

An applicant for a PDD shall apply to the City Plan Commission upon the prescribed forms. The application shall be filed with the City Plan Commission. Every application shall be accompanied by a preliminary development plan for the entire tract described in the petition, together with the supporting data required. The Commission shall review the proposed development plan and the supporting data required. The Commission shall review the proposed development and the supporting data based upon the requirements set out in Paragraph (5.) of this Chapter.

(5.) Planned Office District Application

All Planned Office District applications submitted to the City Plan Commission shall be accompanied by a Fifty Dollar (\$50.00) filing fee for the processing of the application.

The Planned Office District application shall include the following:

- a. A declaration by the developer in which there is furnished:
 - (i) A description of the proposed Planned Office District, together with the factors considered in the evaluation;
 - (ii) A general statement regarding the nature and location of common open space and the means by which the developer will guarantee its continuity and maintenance;
 - (iii) The general location and purpose of all structures;

(iv) The method by which utilities will be provided.

b. Conceptual and schematic plans incorporating the following elements:

(i) Conceptual plans of the entire site showing:

(a) Existing contours accompanied by outline grading plans.

(b) Typical cross-section.

(c) Drainage control.

(d) Conceptual location of all main and accessory structures accompanied by an outline explaining intended heights, coverage, and treatment of yards.

(e) General outline of motor vehicle parking and loading provisions.

(f) General traffic circulation features, public and private streets, width of right-of-way and roadway, and location of vehicular access points thereto.

(g) Pedestrian circulation features, walks, and paved areas.

(h) Landscaping and forestry features.

(i) General nature and location of public and private utilities and community facilities and services, including maintenance facilities.

(ii) A schematic plan summarizing:

(a) Maximum square footage of gross floor area (under roof) of office space.

(b) Actual land covered excluding dedicated streets and easements.

(iii) A document describing the proposed phasing program for the Planned Office District.

Thereafter, the Commission shall take action as follows:

(a) If it finds that the preliminary plans meet the requirements of this Section, it shall approve the same and so notify the applicant. The final plan which shall be amended, approved, or disapproved by the Commission within 60 days of its submission.

(b) If it finds that upon said plan being amended, altered and changed as specified by the Commission, it will meet the requirements of this Section, it shall so notify the applicant, and thereupon the applicant shall prepare and file with the Commission another preliminary development plan and supporting data incorporating such specified changes. Upon the filing of the amended development plan, complying with the required amendments, the Commission shall approve the same and notify the applicant and Zoning Enforcement Officer.

(c) Within one (1) year after approval of the preliminary plan, the developer shall file a final plan, which shall be approved, amended, or disapproved by the Commission within 60 days after filing.

(d) If it shall find that such plan does not comply with the requirements of this Chapter, and is not susceptible to alteration, change, or amendment to meet such requirements, the Commission shall disapprove the plan. The applicants right of appeal shall commence on the date of receipt of the Plan Commission letter outlining the reasons for denial.

(e) If no action is taken by the Commission on a Development Plan within 60 days of filing by the developer, it shall be deemed a final decision of denial.

(6.) Development Plan Requirements

In determining its approval or disapproval of a proposed development plan and supporting data, the Plan Commission shall be governed by the following requirements:

- a. Minimum lot size - 20,000 square feet
- b. Maximum building height - 35 feet
- c. Maximum lot coverage - 30 per cent
- d. Minimum front yard - 15 feet
- e. Minimum side yard - 5 feet when not abutting a residential district

- f. Minimum rear yard - 10 feet

g. Use of required yards: All required yards shall be landscaped in grass with trees, shrubs, or in combination with other suitable ground cover materials

h. Transitional yards: Whenever any of the boundaries of the PDD are contiguous to residential zoning, such boundaries that are contiguous will be subject to the following setback requirements:

(i) Minimum side yard - 20 feet + 10 feet for each 12 feet of building height or fraction thereof above one story.

(ii) Minimum rear yard - 20 feet + 10 feet for each 12 feet of building height or fraction thereof above one story.

i. Use of transitional yards: Where a side or rear yard is contiguous to a residential lot, such yard shall be landscaped with grass and trees, shrubs, or in combination with other suitable ground cover materials. In addition, there shall be provided and maintained along the boundary, up to the 15 foot front yard setback, a buffer screen of

either:

(i) A wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. The wall or fence shall be at least 6 feet in height; or,

(ii) A compact hedge of evergreen or deciduous shrubs, hedges, or trees at least 6 feet in height at the time of planting.

j. Signs: Name plate and signs relating only to the use of the office and premises shall be allowed; provided that such name plate and sign shall not be a flashing or direct lighted sign and shall be limited to sixteen square feet in size per office structure and not protrude more than eighteen inches from the structure. On a corner lot, two such signs, one facing each street, shall be permitted.

k. Lighting: Shall be so shielded and directed as to protect residential property from direct or reflected glare.

l. The location of the PDD shall be on property which has an acceptable relationship to major thoroughfares. The plans for the proposed PDD must possess a unified and organized arrangement of buildings and service facilities, which shall have a functional relationship to the property comprising the planned development and the uses of the property immediately adjacent to the proposed development.

m. The preliminary Development Plan shall contain the following:

(i) The legal description of land for which the permit is sought.

(ii) The date, scale, north point, legend, name of the designer or engineer, and the name, address, and phone number of the developer.

(iii) The general location and the general size of the buildings and structures.

(iv) The general nature of the operations involved in and connected with such POD and general layout, including the locations, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading, unloading, and the relationship to streets or an artery giving access to the center.

(v) Indication of the present and proposed sewers, water service and storm drainage.

(vi) Area to be planted, shrubbed, or otherwise landscaped.

n. In reviewing said plan for a POD, the Plan Commission shall have the right to require such design standards as service roads, setbacks, dedication of public right-of-way for street and highway purposes, and other design factors related to vehicular access so long as said conditions are directly related to the health, safety, convenience, welfare, and morals of the general public.

(7.) Approval, notice, and authority to proceed

a. Upon approval of the Planned Office District application by the Planning Commission and the Common Council, the Planning Office shall:

(i) Furnish the developer with written notice of the approval.

(ii) Cause the Planned Office District to be noted on the face of the Official Zoning Map of the City of Fort Wayne by outlining the boundaries of land affected thereby.

(iii) File in the Commission Office a certified copy of the Planned Office District conceptual and schematic plan.

b. The land described in the above notice shall be used only in accordance with the uses and densities shown on the certified Planned Office District conceptual and schematic plan, except as provided in Chapter 33, Section 21.

c. When the above procedures have been completed, the developer may proceed with the preparation of the preliminary subdivision application.

(8.) Issuance of Permit:

The Zoning Enforcement Officer shall issue an improvement location permit for a POD only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(9.) Construction of Improvement under Permit:

Any person issued an Improvement Location Permit pursuant to Subsection 8 above, who fails to commence construction of the POD within twenty-four months after the permit is issued or who fails to carry to completion thirty percent of the total buildings as authorized by the permit within three (3) years after the permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

a. If after public hearing the Commission finds that no substantial work has been commenced on the POD according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after the permit is granted, it shall be revoked by the Commission.

b. If the plan is not completed as required by this Section, failure to complete the plan shall be considered a breach

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of the zoning laws and subject to the penalty called for in Chapter 33, Section 25.
c. The Commission may, after investigation, seek to enjoin the operation of the POD if a substantial compliance with the Plan has not been achieved in the time limit as herein set forth.

(10.) Amendments to Development Plan:

- (a) The holder of a professional office district Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment, or extension of the development plan upon which such permit is based.
- (b) If an application shows that additional land is to be improved or used in connection with such office center permit, then the Commission shall proceed as in the case of the original application for an office center Improvement Location Permit.
- (c) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.
- (d) In the event the Commission shall approve and order such development plan changed, altered, amended, or extended, it shall so notify the Zoning Enforcement Officer, and he shall issue an amended Improvement Location Permit accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
COUNCILMAN

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schmidt, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-82 on the 22nd day of June, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-04-28

GENERAL ORDINANCE NO. G-13-82

AN ORDINANCE approving the City of
Fort Wayne Five Year Capital Improvement
Program and One Year Capital Budget

WHEREAS, heretofore on April 11, 1973, General Ordinance No. G-07-73 was adopted requiring the Board of Public Works of the City of Fort Wayne to at least annually on or before the 30th day of June of each year provide the Common Council with itemized estimates of capital program expenditures for the succeeding fiscal years;

WHEREAS, an ongoing Capital Improvement Program and a capital budget could assist public facility and service programs; and,

WHEREAS, a Capital Improvement Program is a guide for future capital projects; and,

WHEREAS, a Capital Improvement Program forecasts needs and resources available to the City for capital expenditures over a five year period; and,

WHEREAS, a Capital Improvement Program is a management tool geared toward participating and updating local capital expenditures priorities;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Department of Community Development and Planning shall, on an annual basis, develop and submit to the Common Council before June 30th of each year a Five Year Capital Improvement Program.

SECTION 2. Requires all City Departments to participate in the annual preparation of the Capital Improvement Program and Budget; and,

SECTION 3. Supports the efforts of the Mayor, Capital Improvements Program Committee, the City Plan Commission, and the Department of Community Development and Planning in preparing a Capital Improvement Program; and,

SECTION 4. That this Ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-82 on the 22nd day of June, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-81-11-10 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-14-82

AN ORDINANCE amending the City
of Fort Wayne Zoning Map No. R-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B - Limited Business under the terms of Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

No. 1:

Commencing where the center road of St. Joseph Township crosses the St. Joseph Road and running along that road 13 1/2 rods; thence running Southeast 12 rods to the Township Road; thence West along that road 13 1/2 rods to the place of beginning, containing 1/2 acre, more or less, and also

Beginning at a point on the South line of Section 17, in Township 31 North, Range 13 East, said point being 13.5 rods East of the intersection of said Section line with the centerline of the St. Joseph Road; thence East on said Section line 21.25 feet; thence Northwesterly parallel with the present East line of Church property 216 feet to the centerline of the said St. Joseph Road; thence Southwesterly on the centerline of said road, 21.25 feet to the North corner of present Church property; thence Southeasterly on the East line of present Church property 12 rods to the place of beginning, being a strip of uniform width of 18 feet adjoining and lying immediately East of the present church property, except from the foregoing parcels that part thereof granted to the County of Allen for highway proposes by deed recorded in Deed Record 594, pages 151-153.

No. 2:

A parcel of land situated in DE ROME RESERVE in Township 31 North, Range 13 East, Allen County, Indiana, being a part of that part of the right-of-way lying Southeastward of its centerline, of the St. Joe Road as presently established; together with part of Block "E" GEORGE L. ASHLEY HOMESTEAD as recorded in Plat Book 8, page 84 in the office of the Recorder of said County, and in particular described as follows, to-wit:

To arrive at the place of beginning, commence on the Northeasterly line of an 18-foot wide strip conveyed by Theodore H. Ashley to St. Joe Methodist Church as recorded in Deed Record 383, page 429, May 18, 1945 at a point situated 25.0 feet North of the centerline of the St. Joseph Center Road, said road centerline being also the South line of Section 17, Township 31 North, Range 13 East, thence West on a line parallel to the centerline of said road, a distance of 105.1 feet; thence Northwesterly by a deflection right of 23 degrees 46 minutes along the right-of-way line of said road as established by Indiana Project S 728(1) 1961, a distance of 70.8 feet to the Southeasterly right-of-way line of the said St. Joe Road at the place of beginning initially mentioned, as situated 20.0 feet Southeasterly of the centerline of said road; thence Northeasterly on the aforesaid right-of-way line by a deflection of 103 degrees 46 minutes to the right of the previous course, a distance of 155.4 feet to the Northeast line of the 18-width strip initially referred to; thence Northwesterly by a deflection left of 63 degrees 58 minutes on the aforesaid line, a distance of 14.4 feet to a point situated 40.0 feet normally distant Southeasterly from the centerline of St. Joe Road as established by Indiana Project S 728(1) 1961; thence Southwesterly on a line parallel to the aforesaid centerline by a deflection left of 95 degrees 07 minutes, a distance of 57.3 feet to a point of curve; thence continuing Southwesterly on a 28 degree 50 minute circular curve to the left, introrsely concentric to the center line curve of St. Joe Road as established by Indiana project S 728(1)1961; a distance of 106.6 feet; thence southwesterly a distance of 44.0 feet to the place of beginning; containing 0.135 acre, that lies southeast of the centerline of the St. Joe Road as presently established.

and the symbols of the City of Fort wayne Zoning Map No. R38, referred to therein, established by Section 33-11 of said Chapter are hereby changed accordingly.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta

Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-14-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-05

SPECIAL ORDINANCE NO. S-113-82

AN ORDINANCE approving Change Order
No. 1, Resolution 5916-81, La Rez
Impact Area, Phase IV-B, with Hipkind
Concrete Corporation, in connection
with the Board of Public Works.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution 591681, La Rez Impact Area, Phase IV-B, with Hipkind Concrete Corporation, in connection with the Board of Public Works, for:

the request from Community Development
and Planning for the installation of a
four inch sidewalk and Type III curb
instead of a curbface walk,

in the amount of Seven Hundred Sixty and 87/100 (\$760.87) Dollars, as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-113-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-06

SPECIAL ORDINANCE NO. S-114-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-011632 with
ITT Courier Terminal Systems, Inc.
for the lease of fifteen (15) terminals

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-011632, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and ITT Courier Terminal Systems, Inc., for:

the lease of fifteen (15) terminals on a
twenty-four (24) month plan with an
option to purchase at the end of the lease
for the Data Processing Department,

at a cost of Sixty-one and No/100 (\$61.00) Dollars per month per unit, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-114-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-07

SPECIAL ORDINANCE NO. S-115-82

AN ORDINANCE approving a contract
with T & F Construction Corporation
for street lighting of Home Avenue

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated May 5, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and T & F Construction Corporation, for:

contract number 158-82, installation of
street lights on Home Avenue from Broadway
to Thompson,

for a total cost of Five Thousand Seven Hundred Fifteen and No/100 (\$5,715.00) Dollars, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the City Clerk's Office for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: Three
Bradbury, GiaQuinta, Nuckols

Date: 6-22-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-115-82 on the 22nd day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of June, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-13

RESOLUTION NO. R-33-82

A RESOLUTION providing for the
1982 funding of the Electric
Utility Cash Reserve Fund
created in 1975

WHEREAS, by Special Ordinance No. S243-75 there was established in the accounts of the City Electric Utility a Cash Reserve Fund as envisioned by I.C. 19-3-19-1; and

WHEREAS, "Surplus earnings", after taking care of current obligations, including operating expenses, the depreciation or replacement account of at least five percent (5%) of the operating cash reserves of the Utility, the sinking fund for bonds and interest retirement, as required by law, currently amounts to more than the sum of Two Million Four Hundred Twenty Three Thousand Two Hundred Sixteen and No/100 (\$2,423,216.00) Dollars, for the year 1982;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. "Surplus earnings" in the accounts of the Electric Utility in the amount of Two Million Four Hundred Twenty-three Thousand Two Hundred Sixteen and No/100 (\$2,423,216.00) Dollars, are hereby transferred to the Cash Reserve Fund of said Utility.

SECTION 2. "Surplus earnings", after taking care of current obligations, including operating expenses, the depreciation or replacement account of at least five percent (5%) of the operating cash reserves of the Utility, the sinking fund for bonds and interest retirement, as required by law, said surplus currently amounts to more than the sum of Two Million Four Hundred Twenty-three Thousand Two Hundred Sixteen and No/100 (\$2,423,216.00) Dollars, which is the amount hereby so transferred.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: One
Schmidt
Absent: One
Nuckols

Date: 6-29-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-33-82 on the 29th day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of July, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-29

RESOLUTION NO. R-34-82

A Tribute to Fred Zollner

On Monday, June 21, 1982, Fred Zollner died and with his passing an era in Fort Wayne also passed.

He was a well-known industrialist who invented and improved piston designs for gasoline and diesel engines. His career spanned 56 years with Zollner Corporation.

He was a director of Lincoln National Bank for 30 years and a trustee of Tri-State University.

Feed Zollner was involved in countless local sport activities. He sponsored a softball team which won three (3) national championships and a fastpitch team which captured National Fastpitch League titles for five (5) years. He was the founder of Zollner Piston basketball team which later became the Detroit Pistons. His basketball teams were eminently successful and provided a major league level of sports entertainment for Fort Wayne.

He had a great love for children and organized the Knothole Baseball League of which today's Wildcat Baseball League is a continuation. He was also active in helping various swimming programs.

Be It Resolved that the City of Fort Wayne express its deep felt thanks for one of its greatest benefactors and express its profound sympathy to his immediate family.

Be It Further Resolved that this resolution be spread of record in the Official Records of the City of Fort Wayne, Indiana and that a copy hereof be delivered to his sister, Janet Zollner Fisher.

Sam Talarico
President of Common Council

ATTEST: Charles W. Westerman City Clerk

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6-29-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-34-82 on the 29th day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day of June, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of July, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-30

RESOLUTION NO. R-35-82

A Resolution of Commendation to
Fred Feustel as Consultant to its
City Utilities

The City Utilities of the City of Fort Wayne reluctantly accepts the retirement of Fred Feustel as Consultant to its City Utilities..

Fred Feustel possesses a comprehensive understanding of the workings of the City Light, Water and Sewage Department.

He attended and pursued his graduate studies at Massachusetts Institute of Technology being awarded a Master of Science degree in Electrical Engineering. He also enlarged his education in the field of Accounting, Cost Accounting and Auditing at Indiana Extension.

He began his services for City Utilities in January of 1935 as a Power Plant Clerk and rose to the rank of the General Superintendant of the City Utilities and as Consultant to the City Utilities. A brief record of his employment show the following:

From January 1935 to August 1935 Power Plant Clerk;

From September 1935 to September 1938 Auditing Department, studying street lighting costs and revision of billings;

From October 1938 to March 1948
General Auditor of electric, water and
sewage utilities;

From 1952 to 1960 General Superintendant directing operations of the electric, water and sewerage utilities;

From 1960 to the present As Consultant providing valuable services to department heads, employees, customers of City Utilities, its policies, practices, union memorandum, preparation of detail for ordinances, rates and many other matters.

By dedicated service for over 45 years with the City Utilities of Fort Wayne, Indiana he has monumented himself by his outstanding service to this community.

BE IT THEREFORE RESOLVED by the Common Council of the City of Fort Wayne that it extend to Fred Feustel its congratulations and heartfelt thanks to this public servant whose ability and untiring efforts were dedicated to the improvement of a great utility in his community and that a copy of this resolution be delivered to Fred Feustel and be spread of record in the records of the Common Council of the City of Fort Wayne, Indiana.

Sam Talarico
President of Common Council

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 6- 29-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-35-82 29th day of June, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day of June, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of July, 1982, at the hour of 9: 00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-17

SPECIAL ORDINANCE NO. S-116-82

AN ORDINANCE approving a certain bid document
for the purchase of two (2) riding greensmowers
for the Parks and Recreation Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document reference number 1028 dated April 7, 1982, between the City of Fort Wayne, by and through its Mayor and the Parks and Recreation Department and Summit Power Equipment Distributors, Inc. for the purchase of two (2) riding greensmowers for Foster Golf Course and Shoaff Golf Course at a total approximate cost of Eleven Thousand Thirty-three and 47/100 Dollars (\$11,033.47), all as more particularly set forth in said bid document reference number 1028 and Purchase Order number A-71587, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuina, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-116-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-19

SPECIAL ORDINANCE NO. S-117-82

AN ORDINANCE approving Civil City Purchase
Order No. A-017853 with Ries Equipment
Co., Inc. for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-017853, dated June 8, 1982, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Board of Public Works, and Ries Equipment Co., Inc. for:

the rental of four (4) street sweepers
for a period of sixteen (16) weeks for
the Street Department

at a total cost of SixtyOne Thousand Four Hundred Forty and No/100 Dollars (\$61,440.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-117-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-20

SPECIAL ORDINANCE NO. S-118-82

AN ORDINANCE approving an Agreement
between the City of Fort Wayne and the
Fort Wayne Fine Arts Foundation, Inc.

WHEREAS, the City of Fort Wayne, Indiana and the Fort Wayne Fine Arts Foundations, Inc. have previously entered into an agreement whereby the City of Fort Wayne, Indiana did manage the parking lot of the Fort Wayne Fine Arts Foundation, Inc. located at the intersection of EAST Main Street and Lafayette Street and which agreement provided that the revenue from said parking lot operation was divisible between the City of Fort Wayne, Indiana and the Fort Wayne Fine Arts Foundation, Inc.; and

WHEREAS, the Fort Wayne Fine Arts Foundation, Inc. is indebted to the City of Fort Wayne, Indiana in the sum of Forty Four Thousand Four Hundred Fifty-eight and 47/100 Dollars (\$44,458.47), which said indebtedness was being reduced through the application of proceeds from the operation of said parking lot; and

WHEREAS, the Fort Wayne Fine Arts Foundation, Inc. is now constructing a building upon a portion of said parking lot and the available parking spaces has been greatly reduced; and

WHEREAS, it is anticipated that said parking lot will not produce sufficient income to carry out the intent of the parties prior agreement; and

WHEREAS, the parties are desirous of terminating their prior agreement and of entering into a new agreement to provide for the payment to the City of Fort Wayne, Indiana by the Fort Wayne Fine Arts Foundation, Inc. of the amount of its said indebtedness;

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY FORT WAYNE, INDIANA:

SECTION 1. The prior agreement of the parties for the operation of the parking lot of the Fort Wayne Fine Arts Foundation, Inc. and for the division of parking revenues is hereby terminated.

SECTION 2. The Fort Wayne Fine Arts Foundation, Inc. shall hereafter operate said parking lot itself and shall, subject to later provisions hereof, retain all of the proceeds derived from said operation.

SECTION 3. Commencing April 1, 1982, and continuing for so long as the Fort Wayne Fine Arts Foundation, Inc. is indebted to the City of Fort Wayne, Indiana, the Fort Wayne Fine Arts Foundation, Inc. shall pay to the City of Fort Wayne, Indiana all net revenues in excess of Fifteen Thousand and No/100 Dollars (\$15,000.00) per annum received from the operation of said parking lot to the City of Fort Wayne, Indiana to apply upon the principal and interest of the debt owing by the Fort Wayne Fine Arts Foundation, Inc. to the City of Fort Wayne, Indiana as follows:

- A. the first Fifteen Thousand and No/100 Dollars (\$15,000.00) of said funds received in each year shall be applied against the principal of said debt;
- B. the excess, if any, of said funds received each year shall be applied to interest on said debt which shall be less than or equal to Six percent (6%) of the unpaid principal balance of said debt owing at the beginning of such annual period in which said excess payment is received. Interest shall not be cumulative from year to year,

all as more particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, be and the same is in all things hereby ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk of the City of Fort Wayne, Indiana and made available for public inspection, according to law.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: ONE
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-118-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-31 (AS AMENDED)

SPECIAL ORDINANCE NO. S-119-82

(AS AMENDED)

AN ORDINANCE authorizing the City of Fort Wayne, Indiana's further participation with respect to International Harvester Company's Parts Distribution Center

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, in Bill No. S820615, has approved the City of Fort Wayne's participation in an Interlocal Cooperation Agreement with respect to International Harvester Company's Parts Distribution Center; and

WHEREAS, said participation involved a financial commitment of up to Three Million and No/100 Dollars (\$3,000,000.00) that would only be payable in the instances as outlined in the Interlocal Cooperation Agreement approved by this Common Council; and

WHEREAS, it is necessary for the City of Fort Wayne to make a further commitment with respect to International Harvester Company's Parts Distribution Center.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana and the administration are committed to economic development and economic improvement, all for the benefit of the citizens of this community.

SECTION 2. The City of Fort Wayne, Indiana is hereby given authority and approval to provide an additional financial commitment of up to One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) from its City of Fort Wayne Community Trust with respect to International Harvester Company's Parts Distribution Center, said sums to be provided upon the terms and conditions as outlined in the Interlocal Cooperation Agreement as approved by this Common Council.

SECTION 3. Notwithstanding anything herein to the contrary, the additional commitment herein made shall not be effective until the Common Council of the City of Fort Wayne has established a proper Reserve Fund with respect to this additional commitment herein referred to.

SECTION 4. That the City of Fort Wayne Community Trust as established by General Ordinance No. G-21-75, by this Common Council is hereby further amended to conform to the terms and conditions of this Ordinance.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Bradbury, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: Two
Burns, Schmidt
Absent: One
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ordinance No. S-119-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-07-15

RESOLUTION NO. R-36-82

A RESOLUTION IN SUPPORT OF DAYBREAK, INC.

WHEREAS, child abuse is a tragedy that resulted in the death of two thousand (2,000) children throughout the United States in the year 1981, and;

WHEREAS, five (5) children in Fort Wayne, Indiana, died as a result of child abuse in the year 1981; and

WHEREAS, the abuse of a child has far ranging and long lasting effects on the community including delinquency, violence and a continuing cycle of abuse, and;

WHEREAS, the suffering of defenceless children ought to be the concern of all citizens in a caring society, and;

WHEREAS, a group named Daybreak, Inc., has been formed to intercede on behalf of the victims of abuse and their families by offering a safe place for children to be placed during short periods of intense stress in the home, and;

WHEREAS, Daybreak, Inc. has requested the support of the Common Council of the City of Fort Wayne in its attempt to break the tragic cycle of abuse by opening one of approximately fifteen (15) shelters for abused children located across the country;

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Fort Wayne, Indiana applauds and supports the efforts of Daybreak, Inc. to establish a shelter for the protection of abused and potentially abused children.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-36-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-21

RESOLUTION NO. R-37-82
RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$250,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, ROY M. WIELAND
TO PROCEED WITH THE ACQUISITION, CONSTRUCTION
AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Roy M. Wieland (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that he proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of land, construction of building, and purchase of equipment, said steel building to be approximately 12,000 square feet with loading dock; plus remodeling of existing 4700 square foot building, said facility to be used for the manufacture of institutional furniture, located at 13737 Main Street, Grabill, Indiana, and including 2.97 acres more or less (the "Project") and

WHEREAS, the diversification of industry and an increase in approximately 12 to 15 job opportunities within three years to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$250,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Paul M. Burns
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-37-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-06-23

ZONING MAP ORDINANCE NO. Z-15-82

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. H-15

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

5.00 acres in the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing 803.88 feet East and 411.0 feet South of the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 30 North Range 12 East in Allen County, Indiana; thence East 238.9 feet; thence South 913.62 feet; thence West 240.02 feet; thence North 913.62 feet land, place of beginning, containing 5.00 acres of land, more or less, subject to all legal roads and highways,

and the symbols of the City of Fort Wayne Zoning Map No. H-15, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-15-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-04-17

GENERAL ORDINANCE NO. G-14-82

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of a
certain easement

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain easement having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 23, 1963, is amended by deleting the following easement, to-wit:

Beginning at the southeast corner of Lot #242 lying in Eastland Gardens Section B; thence west along the south line of said Lot #242 a distance of 3 feet; thence north and parallel to the east line of said Lot #242 a distance of 101 feet; thence east and parallel to the south line of said Lot 242 a distance of 3 feet to the east line of said Lot #242; thence south along said east line of Lot #242 a distance of 101 feet to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-14-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-28

SPECIAL ORDINANCE NO. S-119-82

AN ORDINANCE approving Resolution No.
72-10-35, Optional Cash Payment in Lieu of
Monthly Special Capital Surcharge Payments,
for the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Resolution No. 72-10-35, dated June 16, 1982, by the Board of Public Works of the City of Fort Wayne, Indiana providing that the sewage works owned and operated by the City of Fort Wayne, Indiana be authorized to accept a single cash payment of Four Hundred and No/100 Dollars (\$400.00) in lieu of the monthly charge of Four and 65/100 Dollars (\$4.65) leived by the Common Council of the City of Fort Wayne, Indiana from users subject to such monthly charge, provided, that such cash payment is made prior ot August 31, 1982, all as more particularly set forth in said Resolution, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-13-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-118-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July,

1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-07-18

RESOLUTION NO. R-38-82

A RESOLUTION of the Common Council
of the City of Fort Wayne to amend
Resolution No. R-56-79, which sets
forth the policy of the City in regard to
newly annexed areas

WHEREAS, the annexation of territory to the City of Fort Wayne, Indiana is a legislative function;
and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide
for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of
municipal services; and

WHEREAS, the City of Fort Wayne, Indiana is desirous of following the annexation requirements
of Indiana annexation law,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That written fiscal plans shall be developed for providing municipal services to territories
to be annexed to the City.

SECTION 2. That it is the policy of the City of Fort Wayne to provide services to the annexation
areas in a manner consistent with said plans.

SECTION 3. That each fiscal plan shall include cost estimates of planned services to be furnished
to the territory to be annexed.

SECTION 4. That each fiscal plan shall state the method or methods of financing the planned
services.

SECTION 5. That each fiscal plan shall describe a plan for the organization and extension of
services to the annexation area.

SECTION 6. It is the policy of the City that it will begin providing police and fire protection,
emergency medical service, solid waste collection, traffic engineering, street and road maintenance and other
non-capital services within one (1) year from the effective date of annexation in a manner which is equivalent
in standard and scope to those non-capital services normally provided to areas within the City which have
similar topography, patterns of land utilization, and population density.

SECTION 7. It is the policy of the City that services of a capital improvement nature, such as
street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will
be provided to the annexed territory within (3) years of the annexation, in the same manner as those services
are provided to areas within the City which have similar topography, patterns of land utilization, and population
density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 8. That each fiscal plan will include a plan for hiring the employees of other governmental
entities whose jobs will be eliminated by the proposed annexation.

SECTION 9. That this Resolution shall be in full force and effect from and after its passage and
any and all approval by the Mayor.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
 Nays: None
 Absent: One
 Nuckols

Date: 7-13-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-38-82 on the 13th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 14th day of July, 1982, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-82-07-17

RESOLUTION NO. R-LOST

A RESOLUTION APPROVING THE FINANCING OF THE CENTENNIAL TOWNHOMES

WHEREAS, a shortage of assisted housing for persons and families exists in Ft. Wayne, Indiana (the "City");

WHEREAS, it is proposed that a housing project be financed and constructed in the City at Old Decatur Road and Serenity Drive to be owned and operated by Centennial/Ft. Wayne Associates, an Indiana limited partnership (the "Owner"), consisting of 88 units of housing for persons and families, including elderly and handicapped persons, eligible for assistance under Section 8 of the United States Housing Act of 1937 (the Project), as amended;

WHEREAS, a not-for-profit Indiana corporation (the "Corporation") will be created to provide construction and permanent mortgage financing for the Project by issuing its Construction Loan Notes (FHA-Insured Advances) (Centennial Townhomes) (the "Notes") and its Mortgage Revenue Bonds (Centennial Townhomes--FHA-Insured Mortgage and Section 8 assisted Project) (the "Bonds");

WHEREAS, Section 11 (b) of the United States Housing Act of 1937 provides that interest paid on obligations issued by certain entities, such as the Corporation, to assist in financing of housing, such as the Project, as tax-exempt, and the same section authorizes an exemption from taxation from income derived by such entities from such housing;

WHEREAS, in order to obtain the tax exemption benefits of federal law, it is necessary for the Housing Authority of the City of Fort Wayne, Indiana (the "Authority") to make certain findings and enter into certain agreements with respect to the Project and the Corporation, which findings and agreements are set out in substantially the form of the Resolution attached hereto as Exhibit I; and

WHEREAS, in order for the Housing Authority of the City of Ft. Wayne, Indiana to make such findings, enter into such agreements and engage in transactions contemplated by Exhibit I attached hereto, it is necessary, pursuant to Burns Indiana Statutes Section 367-18-14, for the Common Council of Ft. Wayne, Indiana, the governing body which activated the Authority, to approve the Project;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Ft. Wayne, Indiana,

that:

SECTION 1. The Project is hereby approved.

SECTION 2. The adoption by the Authority of a Resolution, in substantially the same form as Exhibit 1 attached hereto, is approved.

SECTION 3. The Authority's transactions contemplated by the Resolution, attached hereto as Exhibit 1, are approved.

SECTION 4. This Resolution shall be in full force and effect from the date of its passage, signing and attestation.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Bradbury, Eisbart, GiaQuinta, Talarico
Nays: Four
Burns, Schmidt, Schomburg, Stier
Absent: One
Nuckols

Date: 7-20-82

Charles W. Westerman
City Clerk

BILL NO. S-82-07-05

SPECIAL ORDINANCE NO. S-120-82

AN ORDINANCE authorizing the closing of
Barr Street from the east property line of
Clinton Street to the north property line of
Duck Street to through traffic

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana has been requested to close Barr Street from the east property line of Clinton Street to the north property line of Duck Street, for and in conjunction with the Rivergreenway Project; and

WHEREAS, the Board of Public Works of the City of Fort Wayne has resolved that such street closing is in the best interest of the City of Fort Wayne in terms of traffic flow and has further resolved to close Barr Street to such traffic.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Said closing of Barr Street is hereby approved and authorized from the east property line of Clinton Street to the north property line of Duck Street, said property more specifically described as follows:

Lots 1 and 2 of Comm. Sub of Lot #1 of Eliza Hanna's
Sr. Subdivision, and Lots 4 and 5 of Eliza Hanna's
Sr. Subdivision to the City of Fort Wayne, Indiana
and part NE 1/4 Sec. 2-30-12 space known as Riverbank.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-120-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-05-30
(as amended)

ORDINANCE NO. G-16-82

AN ORDINANCE, AS AMENDED

ESTABLISHING AND IMPLEMENTING A FULLY COORDINATED
EMERGENCY AMBULANCE SYSTEM AND PROVIDING
FOR PRODUCTION AND PERFORMANCE STANDARDS
FOR THE PROVISION OF AMBULANCE SERVICE
THROUGH THE THREE RIVERS AMBULANCE AUTHORITY
(UNIFORM AMBULANCE ORDINANCE)

WHEREAS, the Indiana General Assembly, pursuant to Ind. Stats. §§ 16-1-32 et seq., has authorized the City of Fort Wayne, Indiana, and Allen County, Indiana, to establish, operate and maintain emergency medical services, and to that end to cooperate to authorize franchise or contract for the providing of said emergency medical services; and

WHEREAS, pursuant to the authority granted by the General Assembly, the City of Fort Wayne and Allen County have agreed to cooperate for the provision of emergency medical services to the residents and visitors to the City and County; and

WHEREAS, the City and County have studied the problem of providing emergency ambulance services to the residents of the City and County in such a way as to ensure the best possible emergency medical services at the most reasonable cost; and

WHEREAS, the City and County have determined that a modified version of the ambulance system that has come to be known as the Public Utility Model best fits the needs of the City and County; and the City and County have jointly established the Three Rivers Emergency Medical Service Ambulance Cooperative; and the Cooperative having established the Three Rivers Ambulance Authority; and

WHEREAS, the Ambulance Authority has been charged by the Cooperative with the responsibility and is providing medical transportation services consisting of advanced emergency and non-emergency services to the residents of and visitors to the City and County; and

WHEREAS, the Authority, in order to provide emergency medical services as described herein, has: (a) arranged for financing to facilitate the acquisition of necessary ambulances and related equipment costing approximately \$900,000.00; and (b) adopted a financial management system to operate the emergency medical service system as efficiently as possible; and

WHEREAS, the Fort Wayne Medical Society has formed a physicians group known as the Emergency Medical Service Foundation, Inc., to provide quality control and clinical leadership for the emergency medical services system; and

WHEREAS, the Common Council of the City of Fort Wayne and the Allen County Commissioners, through input from the Ambulance Cooperative, Ambulance Authority, Township Representatives, EMS Foundation, ambulance operators in the private sector, and volunteer providers have analyzed various options for the providing and regulation of ambulance services, and have determined that the essential features of a financially efficient and medically effective ambulance system for the Fort Wayne and Allen County area include: (1) citizens trained in CPR; (2) fully integrated and coordinated response capabilities, involving fully centralized dispatching of volunteer providers, fire department first response teams, and sophisticated advanced and basic life support ambulance units; (3) completely controlled dispatching by medically trained dispatch personnel, each capable of effecting a fully unified system-wide response to any medical emergency, including mass disasters; (4) a single provider of advanced life support ambulance service, chosen by public bid, to be awarded within 18 months of enactment of this ordinance; (5) public ownership of the essential factors of advanced life support production, to protect the public from an interruption of this essential service; (6) the mandating of stringent yet practical response time and other performance standards; (7) the mandating of stringent clinical performance standards established and enforced by independent, expert, and informed physicians, and uniform system-wide medical protocols; and (8) establishment of authoritative, independent and expert physician supervision of all elements of the ambulance system performance that affect patient care; and

WHEREAS, the implementation of such an effective ambulance system requires the passage of this Ordinance;

NOW, THEREFORE, be it ORDAINED by the Common Council of the City of Fort Wayne, Indiana;

Section 100. Name and Purpose.

1. This ordinance may be cited as the "Uniform Ambulance Ordinance."

2. It is the purpose of this Ordinance to effect the orderly and gradual implementation of the Public Utility Model for the provision of ambulance services through the delegation of specific responsibilities to the major components of the Model, the Three Rivers Emergency Medical Service Ambulance Cooperative, the Three Rivers Ambulance Authority, and the Emergency Medical Services Foundation, Inc.

Section 101. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

1. Ambulance Service System. An organized, fully coordinated, and legally established network of individuals and organizations capable of effecting a fully coordinated response to every emergency medical incident, modified appropriately by the context of the competing demands upon the system at any point in time. Essential components include, but are not limited to, CPR training of the general public; single point termination telephone access to the system; fully centralized professional dispatching and system status management by medically trained dispatchers in direct radio contact with every ambulance operating in the system and who have the full authority and responsibility to manage system response under all circumstances; integrated team training and comparable equipment inventories of first responders, basic life support units, volunteer units, and paramedic units; rapid first responder and paramedic unit response times to all life threatening emergencies; and continuous, orderly, and routine physician supervision, evaluation, and authoritative corrective action to ensure persistent upgrading of ambulance system performance.

2. Ambulance. Any motor vehicle equipped with facilities to convey infirm or injured persons in a reclining position.

3. Ambulance Patient. Any ill, infirm or injured person transported in a reclining position in an ambulance to or from a hospital, physician's office, nursing home or other health care facility.

4. Base Station Physician. A physician licensed to practice medicine in the State of Indiana who has demonstrated to the satisfaction of the EMS Foundation knowledge in the medical protocols, radio procedure, medical audit process and procedure, and general operating policies of the Fort Wayne, Indiana emergency medical services system, and a person from whom ambulance attendants may take medical direction.

5. Emergency Medical Technician (EMT). An ambulance driver or attendant licensed by the State of Indiana as an Emergency Medical Technician, and certified by the Medical Director.

6. EMS Control Center. A single facility designated by the Three Rivers Ambulance Authority as the central communications center from which all ambulances subject to regulations pursuant to this Ordinance, shall be dispatched and controlled at all times.

7. Emergency Medical Services Foundation, Inc. (EMS Foundation). A professional and charitable organization formed by the Fort Wayne/Allen County Medical Society composed of licensed physicians who shall be responsible for clinical leadership, medical supervision, and regulatory quality control over all aspects of the EMS systems operation which may directly or indirectly affect patient care.

8. First Responder. Any person, fire department vehicle, police vehicle, volunteer unit, or non-transporting ambulance unit capable of providing appropriate emergency care, as evidenced by current certification as may be required for first-responder designation by the Medical Director.

9. Helicopter Rescue Unit. Any rotary wing aircraft providing basic or advanced emergency medical service and transportation.

10. Life Threatening Emergency. A situation posing immediate threat to human life or of long-term disability, including but not limited to, acute respiratory distress, shock, airway blockage, bleeding beyond control, acute poisoning, acute cardiovascular distress, or central nervous system injury.

11. Medical Audit. An official inquiry into the circumstances involving an ambulance run or request for service, conducted by a member of the EMS Foundation who is qualified by the EMS Foundation designated to conduct such an audit by the EMS Foundation Board. No physician performing a medical audit shall have been directly involved in the care of the patient who is the subject of the audit. The medical audit procedure is intended to be educational and positive and not vindictive or punitive. Any individual whose actions are under review may not be excluded from the audit process and shall have the right to appear and be heard.

12. Medical Control. Direction given ambulance personnel by a Base Station Physician through direct voice contact, with or without vital sign telemetry, as required by applicable medical protocols approved by the Medical Director.

13. Medical Director. A licensed physician appointed and paid by the EMS Foundation whose duties are more fully described in section 105, herein, who generally is charged with the responsibility of overseeing the ambulance system from a medical perspective. The Medical Director shall serve at the pleasure of the EMS Foundation Board of Directors.

14. Medical Protocol. Any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, approved by the EMS Foundation as the normal standard of prehospital care for a given clinical condition.

15. Mutual Aid Call. Request for emergency ambulance service issued by an ambulance dispatcher or crew in one political jurisdiction to an ambulance dispatcher or ambulance crew normally operating in a neighboring political jurisdiction.

16. Operations Contractor. That person or organization which, after a public bid process, has contracted with the Ambulance Authority to operate and manage the non-volunteer portion of the ambulance system created by this Ordinance.

17. Paramedic. A person licensed by the State of Indiana as a Paramedic and certified by the Medical Director as knowledgeable of and competent to perform advanced life support procedures and the medical protocols established by the Medical Director.

18. Public Utility Model. That strategy for the organization, financing, management, and regulation of ambulance service operation which employs the use of a single level of advanced life support capability for the conducting of all emergency and non-emergency service within a geographical area, mechanisms of payment which neutralize the "fee-for-service incentive" to overserve or underserve any given patient or geographic area, optimum economies of scale to spread fixed costs of sophisticated ambulance service operations over a wider range of production, competitive procurement of "facilities management" services from a qualified private firm, financing strategies which minimize or allow minimization of local tax subsidy, ownership or direct control of all systems hardware by the public sector, and other features intended to promote clinical excellence, reliable response time performance, disaster readiness, long-range stability of service, and cost containment.

19. Response Time. The actual elapsed time between receipt of notification at the EMS Control Center that an ambulance is needed at a location and the arrival of that ambulance at the location.

20. Senior Paramedic in Charge. That individual among the certified personnel assigned to an ambulance, not the Driver, who is a certified Paramedic designated as the individual in command of the ambulance, its operation, and any other persons assigned to the ambulance on a given shift. The employer of personnel in an ambulance shall designate the senior paramedic in charge of that ambulance.

21. Special Use Permit. A permit issued by the Medical Director to hospitals, and other institutions serving the public, for the provision of specialized mobile intensive care services and emergency care.

22. Three Rivers Emergency Medical Services Cooperative. A body jointly established by Allen County and the City of Fort Wayne for the purpose of establishing and implementing the ambulance system described in this Ordinance.

23. Three Rivers Ambulance Authority. The entity established by the Three Rivers Emergency Medical Services Cooperative to oversee and manage the operations of the ambulance service system described in this Ordinance.

24. Volunteer Provider. Any non-profit organization except a township which provides ambulance service for ambulance patients; provided that a majority of the manpower furnished by the volunteer provider shall not receive any salary, wages or other pay for his or her work for the volunteer provider, and which provides only emergency work and does not provide routine patient transfer service.

A township may contract with the Three Rivers Ambulance Authority to be a volunteer provider if the township agrees to be bound by the terms of this ordinance, and therefore to become part of and served by the Ambulance Service System established by this ordinance. The Authority may not enter into any contractual relationship with any township unless such contract includes provisions effecting a complete coordination and integration of that township into the Ambulance Service System. A township contracting with the Three Rivers Ambulance Authority may be called a Participating Volunteer Provider.

25. Volunteer Providers' Advisory Council. The entity composed of individuals appointed by the volunteer providers who participate in the ambulance system, whose duty it shall be to advise the EMS Foundation on matters related to the development and enforcement of standards affecting volunteers and volunteer providers. Each volunteer provider who is a full participant in the EMS System may appoint one individual to the Advisory Council, which individual shall be the physician advisor for the provider. If the provider does not have a physician advisor it may apply to the Medical Director to appoint a substitute.

Section 102. Certificates, Permits, Licenses.

102.1 Applicability.

This section applies only to participants in the Ambulance Service System and those bound by the provisions of this Ordinance. Volunteer Providers operating directly under the auspices of a township are exempt from these provisions unless the township is a participant and has executed an agreement to be bound.

102.2A Certificates.

No person, whether employed by or operating as a Volunteer Provider, Non-Emergency Transfer or Advanced Life Support EMS Operator, shall be employed as an ambulance driver, attendant or dispatcher of ambulances regulated by this Ordinance, unless he holds a certification issued by the Medical Director, and has passed a physical examination approved by the Medical Director.

102.2B Permit and Certification Limitations.

The Medical Director shall issue probationary certificates to all new applicants. Renewal applications shall be only issued to applicants with full certification.

102.2C Criteria

(i) The Medical Director, subject to approval of the EMS Foundation Board, shall promulgate regulations setting forth the requirements to obtain a certificate as an ambulance driver, attendant (EMT or Paramedic), or dispatcher. The requirements shall include certification by the State of Indiana and an examination testing the applicant's knowledge of local medical protocol, special disaster procedures, the Three Rivers Ambulance System

in general, and other matters appropriate to determining the applicant's fitness. A practical skills examination may also be required.

(ii) Effective May 1, 1983, (or such other date as the Medical Director determines) all ambulance drivers must maintain certification under the National EMT and Paramedic Registry Program as an EMT or Paramedic, depending on the level of certification held.

(iii) All new certificates shall be probationary and shall be for a period of six months. If the applicant has performed satisfactorily for the six month probationary period, Medical Director shall issue a full certification. If the applicant has not performed satisfactorily, the Medical Director may continue the probationary status for an additional six month term.

102.2D Application

Applications for certification as an ambulance driver, attendant or dispatcher shall be made on forms prepared or approved by the Medical Director and shall contain such information as required by the Medical Director. Each application shall be accompanied by a non-refundable application charge in the amount of \$30.00, payable annually to the EMS Foundation, except that no application fee shall be charged to unpaid members of volunteer providers. Nothing in this Article shall be construed as requiring the Authority or the EMS Foundation to be responsible for the cost of physical examination.

102.3A Ambulance and Helicopter Rescue Units

No ambulance regulated by this Ordinance, whether it be equipped for paramedic, advanced life support (ALS) or basic life support (BLS) and whether used for emergency or non-emergency purposes shall be used to provide ambulance service unless the ambulance has been issued a permit by the Medical Director.

102.3B Helicopter Rescue Unit

No helicopter rescue unit regulated by this Article shall be used to provide any emergency medical service unless it has been issued a permit by the Medical Director.

102.3C Criteria

(i) The Medical Director, subject to approval of the EMS Foundation Board, shall promulgate regulations setting forth the requirements to obtain a permit for any ambulance or helicopter rescue unit regulated by this Section and including special use permits. Permits shall be of five (5) types: Volunteer, Non-Emergency, Emergency, Helicopter, and Special. Helicopter rescue units shall be subject to regulation of on-board equipment or personnel. Helicopter rescue units shall agree to submit to control by the EMS Control Center when operating within any jurisdiction subject to regulation under this Ordinance. Helicopter rescue units and their personnel shall be subject to medical audits.

(ii) The Medical Director shall not issue a permit to any ambulance that does not meet the requirements set forth in this Ordinance for the type of permit applied for. Only ambulances meeting minimum state requirements and any additional requirements imposed by Rules and Regulations adopted by the EMS Foundation may receive any permit. Only ambulances meeting the requirements for Emergency Ambulances promulgated by the Medical Director shall receive an Emergency permit.

102.3D Applications

Applications for vehicle or helicopter permits shall be made on forms prepared and approved by the Medical Director and contain such information as required by the Medical Director. Each application shall be accompanied by a non-refundable application fee in the amount of \$50.00 payable to the EMS Foundation, except that no charge shall be made for vehicles operated by Volunteer Providers.

102.4 Licenses Required

102.4A Providers

No person or organization, except a township which has not contracted with Three Rivers Ambulance Authority, shall operate an ambulance service rendering prehospital care or transportation to ambulance patients unless that person or organization has obtained and currently holds a provider license as determined in this section; and provided further, that the exemption to a township shall be limited to

provision of services by a volunteer, not for profit organization operated directly under the auspices of the township and not by way of contract, and shall extend only to the delivery of emergency ambulance service originating within the boundaries of the township, or mutual aid assistance provided by such township volunteer service to a neighboring jurisdiction at the request of that jurisdiction.

102.4B Non-Volunteer Ambulance Providers

It is legislatively determined that ambulance operations when subjected to competitive practices of multiple companies simultaneously serving the same city, operate under precarious financial conditions and that this type of competition is harmful to the health, safety, and welfare of residents. However, it is also determined that periodic competition among companies for the right to provide ambulance services offers a safe and effective means of encouraging fair and equitable private sector participation.

Therefore, no non-volunteer person or organization shall operate an ambulance for the provisions of emergency or non-emergency ambulance service to ambulance patients except the Three Rivers Ambulance Authority and its Operations Contractor. The Three Rivers Ambulance Authority shall be perpetually licensed to provide full service ambulance operations, and shall be required to subcontract with the Operations Contractor for operation and management of the Ambulance Service System.

The City of Fort Wayne EMS Department shall be the Operations Contractor until such time as a competitively selected operator is retained and commences operations.

102.4C Competitive Bidding Process

Not more than 18 months after the adoption of this ordinance the Three Rivers Ambulance Authority shall utilize a competitive bidding process to contract with an Operations Contractor. Said competitive bidding process shall be designed to attract nation wide competition and to that end the bidding process shall, in addition to complying with state law, include but not be limited to the following procedures:

- (i) Advertisements for bids shall include national circulation in one or more ambulance industry periodicals;
- (ii) The Three Rivers Ambulance Authority may not allow the Operations Contractor to engage directly in billing and collection activities;
- (iii) The Three Rivers Ambulance Authority must remain the owner or primary lessee of all equipment essential to its operations, except that Volunteer Providers may own their own equipment;
- (iv) The Three Rivers Ambulance Authority shall conduct a publicized pre-bid conference which shall be open to the public;
- (v) A pre-bid screening process shall be employed to exclude consideration of bids from any company which cannot demonstrate financial stability, reputability, and a proven track record as a full service provider of advanced life support ambulance operations in one or more metropolitan areas of similar or greater population as Fort Wayne;
- (vi) A broad investigative release form must be executed by all bidders, owners, operators, and key personnel;
- (vii) A substantial bid deposit in the form of cash, bond, irrevocable letter of credit or other form acceptable to the City Attorney in an amount not to exceed ten percent (10%) of the contract price must be required;
- (viii) The bid request document shall provide fully detailed definitions and performance standards governing clinical performance, response time performance, maintenance requirements, and other operational standards so that, assuming all bidders are prequalified to participate, bid price shall be the principal remaining consideration in the award of the contract. However, where bid prices are not more than ten percent (10%) apart, the Three Rivers Ambulance Authority may consider corporate experience, salary schedules, and such other factors to select the lowest responsible and responsive bidder;
- (ix) Nothing in this section shall be construed as preventing the City of Fort Wayne Department of Emergency Medical Services from bidding provided they otherwise qualify and pro-

vided further that the department's full cost of providing said services shall be reflected in the department's bid price, and any subsidation of ambulance services by the City shall be in the form of money payments to the Three Rivers Ambulance Authority so as to benefit equally any bidder who may choose to participate.

102.4D System Status Management Plan

The Ambulance Authority and the EMS Control Center shall adopt a system status management plan which shall have as its goal the placement of EMS ambulances so as to meet the response times criteria set forth in section 107 herein. The plan shall state the minimum safe level of emergency response capacity which shall be maintained in the system at all times. This minimum level may differ by hours of day or day of week depending on the anticipated demand for EMS, but the plan shall ensure minimum safe response levels at all times. All providers shall be required to tape record all telephone and radio transmissions and maintain for ninety (90) days the tapes of said transmissions. The providers must make said tapes available for medical audits or for the Medical Director at his discretion.

102.4E Removal From Service

No Provider ambulance may be removed from emergency service by the operator during the times designated under subparts (i) and (iii) above without first advising and obtaining the permission of the EMS Control Center. The EMS Control Center shall, upon request, allow a Provider ambulance to be removed from the system unless such removal will bring the number of paramedic units remaining in the system below the minimum necessary to maintain the response levels stated in the system status management plan, or unless unusual conditions exist which would reasonably necessitate maintaining a higher level emergency response capability than would normally be required at that time.

102.4F Volunteer Providers

No person or organization except a township which has not contracted with Three Rivers Ambulance Authority shall operate an ambulance for the provisions of ambulance service as a volunteer provider unless that person or organization has first obtained a Volun-

teer Provider License issued by the Medical Director. The Medical Director shall issue a Volunteer Provider License to any person or organization that qualifies as a volunteer provider as defined by Section 108 of this Ordinance, and that meets the rules and regulations for Volunteer Providers adopted by the Medical Director on advice of the EMS Foundation and the Volunteer Providers' Advisory Council.

102.5 Revocation of Permits and Certification

The Medical Director, subject to approval by the EMS Foundation Board, is authorized to revoke or suspend any permit or certification issued pursuant to the provisions of this Article if the driver, attendant, dispatcher, ambulance or helicopter rescue unit fails to maintain the basic qualifications for issuance or otherwise constitutes a danger to the safety and health of patients.

102.5A Prior to revocation or suspension of a certificate a medical audit shall be conducted by the Medical Director or his designee.

102.5B If the audit results in a recommendation that the driver, attendant or dispatcher certificate should be revoked or suspended, the report shall be forwarded to the EMS Foundation Board of Directors.

102.5C The EMS Foundation shall notify the affected person of the audit results and invite him to provide any information, in writing or personally, for the Foundation's consideration.

102.5D If the EMS Foundation recommends revocation or suspension, the report shall be forwarded to the Medical Director.

102.5E The Medical Director shall provide a hearing to any person certified pursuant to this Article or ambulance or helicopter rescue unit owner or operator at which time reasons for revocation or suspension shall be explained. The affected party may present information relevant to the issue of permit revocation or suspension.

102.5F If the Medical Director determines that the risk of harm to the public is substantial, the certification may be suspended without first providing a hearing. However, a hearing shall be scheduled to convene within seven days of the suspension to consider revocation of the certification. The Medical Director may require a physical and mental examine be conducted prior to the hearing.

102.5G In lieu of suspension or revocation, the Medical Director may return the non-probationary certificate holder to probationary status,

reduce the level of certification, or otherwise restrict the participation of the individual as necessary to protect the public health and safety.

102.6 Term of Licenses and Permits and Renewal.

(1) All permits and certifications issued pursuant to this Article shall be valid for a period of one year from date of issuance except as herein expressly provided.

(2) It shall be the responsibility of a permit or certificate holder to apply for a new permit or certificate no later than 30 days prior to expiration of the current permit or certificate.

(3) All renewal applications for permits or certifications shall contain the same information as original applications, and shall be accompanied by the same application fee made payable to the EMS Foundation as required for an original application.

(4) The EMS Foundation may at its discretion require renewal applicants to demonstrate knowledge and skills then currently required of an original applicant.

102.6A Appeals

Adverse decisions of a Medical Audit may be appealed to the Medical Director. If a resolution of the appeal is unsatisfactory, the person adversely affected by the decision of the Medical Director may appeal to the Board of Directors of the EMS Foundation whose determination shall be final.

Section 103. Standards for Ambulance Service Permit-Liability Insurance.

103.1 No ambulance service permit shall be issued under this act, nor shall such permit be valid for issuance, nor shall any ambulance be operated in the City unless there is at all times in force and effect insurance coverage as follows:

(A) Automobile liability insurance in an amount not less than \$100,000 for injury to, or death of, one person, by reason of the carelessness or negligence of the driver of such ambulance, and \$300,000 for injury to, or death of, more than one person, resulting from a single accident, by reason of the carelessness or negligence of the driver of such ambulance, and \$50,000 for damage to property resulting from any single accident, by reason of the carelessness or negligence of the driver of such ambulance, issued by an insurance company licensed to

do business in the State of Indiana, for each and every ambulance owned and/or operated by or for the applicant or licensee, providing for the payment of damages:

(i) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed in him by law, regardless of whether the ambulance was being driven by the owner or his agent; and

(ii) For the loss of or damaged to the property of another under like circumstances.

(B) Uninsured motorist coverage in an amount equal to the bodily injury liability limits as set forth in item A above;

(C) Malpractice insurance to provide for limitation of each claim of not less than \$500,000;

(D) A \$1,000,000 umbrella policy providing additional coverage to all underlying liability policies.

103.2 Said insurance policies shall be submitted to the Medical Director for approval prior to the issuance of each ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the Medical Director, in such form as he may specify, by all licensees required to provide such insurance under the provisions of this act.

103.3 Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked or expires the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of said policy recovered against any person other than the owner, his agent or employee, who may operate the same with the consent or acquiescence of the owner.

103.4 Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty (30) days written notice to the Medical Director and to the assured before any cancellation or termination thereof

earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the permits issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

103.5 Each insurance policy described and required herein shall name as additional insureds the City of Fort Wayne, Allen County, the Three Rivers Ambulance Authority, and the EMS Foundation, in addition to the operator of the vehicle.

103.6 Participating Volunteer Providers shall have reasonable insurance coverage and the policy shall name as additional insureds the City of Fort Wayne, Allen County, Three Rivers Ambulance Authority, EMS Foundation, in addition to the operator of the vehicle.

Section 104. Duties of the EMS Foundation and Medical Director

104.1 Authority to Make Regulations, Standards and Rules.

(A) The EMS Foundation Board of Directors shall have the authority to promulgate regulations, standards and rules necessary to implement the policy and intent of this Article. They shall constitute one volume to be filed in the Office of the City Clerk.

(B) The EMS Foundation Board of Directors shall consider, but not be limited to, the following factors when promulgating regulations, standards, and rules:

(i) The protection of the safety and health of the inhabitants of Fort Wayne, adopting townships, and neighboring participating political subdivisions.

(ii) Accepted standards of practice for emergency medical care;

(iii) Accepted requirements for equipment and supplies to provide advanced life support services;

(iv) Federal and state requirements;

(v) Standards and recommendations of federal, state and local professional organizations interested in the provision of quality emergency medical care; and

(vi) Recommendations of the Medical Director.

(C) The EMS Foundation Board of Directors shall promulgate standards controlling the following segments of the ambulance service system:

- (i) Production standards related directly or indirectly to clinical performance and patient care; including response time consistent with the provisions of section 107;
- (ii) Diagnosis-specific and problem-oriented medical protocols to serve as the required standard of prehospital emergency care;
- (iii) Procedures governing the reliable provision of 24-hour medical control;
- (iv) Procedures and protocols for the operation of the EMS Control Center, which may include but not be limited to, radio protocols, telephone protocols, and other operating standards; and
- (v) Procedures for the provisions of medical control over the delivery of advanced life support procedures by ambulance personnel, which may include but not be limited to, medical control communications standards, radio equipment standards, radio protocol, medical protocol, qualifications of base station physicians or emergency department nurses from whom ambulance personnel may take direction.
- (vi) In-service training for ambulance personnel, EMT's and dispatchers as recommended by the EMS Foundation.
- (vii) Standards, rules and regulations governing volunteer providers.

104.2 Duties of the Medical Director

104.2A The Medical Director shall be responsible for compliance with the Regulations, Standards and Rules promulgated under this Section.

104.2B The Medical Director shall have the duty to prescribe and procure narcotics and controlled drugs used within the System.

104.2C The Medical Director shall also serve as the Medical Advisor for the Authority as regulated by State Law.

104.3 Disaster Planning and Protocol Development.

(A) The Medical Director, subject to approval of the EMS Foundation Board, shall develop a plan for the rescue and medical care of persons in disaster situations.

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(B) After a government proclamation has established the existence of a disaster situation whether resulting from tornado, fire, wind, flood, enemy action, or any other common disaster or catastrophe, the EMS Control Center shall be authorized to control all ambulances, helicopter rescue units, mutual aid responders, and special use vehicles.

104.4 Approvals.

(A) Communications Systems.

The EMS Foundation Board of Directors shall approve the dispatch communications system and the medical control communications system established by the Three Rivers Ambulance Authority. In revising the medical control communications system the EMS Foundation shall be consulted. Nothing herein shall prevent the Medical Director from promulgating regulations or standards controlling communications systems.

104.5 Licenses, Permits and Certificates.

The Medical Director shall issue licenses, permits and certificates consistent with the provisions of Section 102 herein.

104.6 Annual Report.

This Chairman of the Board of the Ambulance Authority shall report annually to the Common Council and the County Commissioners on the status of the ambulance service system. The report shall include, but not be limited to the financial condition of the Ambulance Authority, the subsidy supplied by the City, medical case audits, recommendations for improvements and regulations promulgated during the year. The report shall incorporate the reports of the EMS Foundation and the Ambulance Authority made to the Medical Director.

Section 105. Duties of The Three Rivers Ambulance Authority.

105.1 Generally.

It shall be the duty of the Ambulance Authority to oversee and manage the Ambulance Service System created by this Ordinance in order to provide quality ambulance service to all residents of and visitors to Fort Wayne and Allen County, as well as other jurisdictions which may join the Ambulance Service System.

The economies of scale realized from multi-jurisdictional operations of the Three Rivers Ambulance Authority are expected to benefit the taxpayers and residents of all political jurisdictions served by the Authority; however, in

contracting with each political jurisdiction, the Three Rivers Ambulance Authority shall make such financial arrangements as necessary and appropriate to effect a fair sharing of costs and benefits among the various jurisdictions served.

105.2 Ownership of Equipment.

The Ambulance Authority shall own, or be the primary lessee of all emergency equipment used in supplying ambulance services, except equipment utilized by Volunteer Provider Organizations, which may own their own equipment.

105.3 Rates, Billing and Collections.

(A) Generally the Ambulance Authority shall determine reasonable rates for its services.

(B) The Ambulance Authority may permit the operations contractor to collect accounts representing long distance inter-city transfer work, but the operations contractor may not engage on any other collection activity.

The Ambulance Authority shall not bill townships under any applicable statutes for any service to an individual.

(C) Non-Emergency Rates.

The Ambulance Authority shall have the authority to determine its own rates charged for non-emergency ambulance service. Non-emergency rates shall not exceed rates charged in other metropolitan areas for similar services.

105.4 In-Service Training.

(A) The Ambulance Authority shall assure that appropriate in-service training is provided to employees of the operations contractor by requiring the operations contractor to provide the in-service training program.

(B) The Ambulance Authority shall require that all employees of the operations contractor attend in-service training programs.

(i) In-service training programs shall be attended not less than once every month; each session shall be not less than two hours in duration.

(ii) In-service training shall include system orientation and management issues, medical audit findings and review, and clinical skill development.

(iii) In-service training shall be scheduled to permit all employees to fulfill their mandatory obligations to attend.

(iv) The Ambulance Authority shall include in its annual report to the Medical Director the extent of the in-service training accomplished. The Ambulance Authority shall maintain accurate records of attendance at in-service training which shall be provided to the Medical Director for use in considering certificate suspension or revocation and permit renewal.

(v) If a certificate holder fails to attend in-service training during any two month period the Medical Director shall inquire of the reasons and may in his discretion and only for good cause waive the requirement. In any event, a report of the failure to attend shall be made to the Medical Director by the Ambulance Authority.

(vi) When appropriate, personnel of participating Volunteer Providers shall be notified in advance and invited to attend in-service training sessions sponsored by the Operations Contractor.

105.5 Records and Premises Open to Inspection.

The Ambulance Authority shall maintain its records and premises open to inspection by the Medical Director.

105.6 Recommendations to the Medical Director.

The Ambulance Authority shall provide recommendations to the Medical Director for the following elements of the ambulance service system:

- (A) Dispatch communication system;
- (B) Medical control communication system;
- (C) Any other matter requested by the Medical Director relative to the operation and status of the ambulance service system.

105.7 The Ambulance Authority as Operations Contractor.

In the event of an emergency in which the public health and safety are threatened by the inadequate performance of an existing operations contractor, or by the absence of qualified bids at reasonable costs for the performance of the required services, the Ambulance Authority may act as operations contractor for the duration of the emergency but in no event longer than one year.

105.8 Mutual Aid and Shared Services.

The Ambulance Authority may contract for services from neighboring providers. Such contractors shall be subject to medical audit by the EMS Foundation. Consideration for such services may be financial or in kind. Nothing in this Article shall be construed as prohibiting the Ambulance Authority from receiving or rendering emergency mutual aid without formal agreement.

Section 106. The Emergency Medical Services Foundation

106.1 Appointments.

The Emergency Medical Services Foundation (EMS Foundation) is a not for profit corporation organized and existing under the laws of the State of Indiana. Appointments to the Foundation shall be handled as described in the Foundation's Articles of Incorporation and Bylaws.

106.2 Recommendations.

The Medical Director shall provide to the EMS Foundation Board of Directors recommendations concerning the following elements of the ambulance service system:

- (A) Criteria for the issuance, renewal, suspension and revocation of permits and certifications;
- (B) Production standards related directly or indirectly to clinical performance and patient care;
- (C) Diagnosis--specific and problem oriented medical protocols to serve as the required standard of pre-hospital emergency care;
- (D) Procedures governing the relative provision of 24-hour medical control;
- (E) Procedures and protocols for the operation of the EMS Control Center;
- (F) Procedures for the provision of medical control over the delivery of advanced life support procedures by ambulance personnel;
- (G) Standards for the medical control communications system;
- (H) Elements of disaster plan designed to provide prompt quality care and rescue of persons in disaster situations.
- (I) Standards, rules and regulations governing Volunteer Providers.

106.3 Medical Audits.

(A) The EMS Foundation shall perform medical audits when requested by the Medical Director or a designated base station physician, by any physician on his own patient, by any doctor involved in the case, chairman of the Ambulance Authority, Medical Director, a certified paramedic, the Volunteer Advisory Council or when in the Foundation's discretion it is determined that a specific incident merits investigation or an element of the ambulance service system may be improved and study is warranted.

(B) Audits shall be performed on a diagnosis specific basis to determine if there exists areas for improvement of treatment.

(C) An audit shall be primarily problem solving and educational in nature although from time to time punitive action as a result of audit findings may be necessary and appropriate.

106.4 Medical Director.

(A) The Medical Director shall be appointed by the EMS Foundation Board and shall serve at the pleasure of the EMS Foundation Board. The Medical Director may be a member of the EMS Foundation, but he shall resign from the Foundation Board upon his appointment as Medical Director.

(B) The Medical Director shall be compensated by the EMS Foundation.

(C) The Medical Director may delegate duties to qualified base station physicians or others whose expertise is necessary for complete and thorough medical audits.

(D) The Medical Director may appoint an Assistant to the Medical Director who shall be at least a certified paramedic, or have equivalent training and experience.

Section 107. Response Time.

107.1 A paramedic ambulance shall be on the scene of each life threatening emergency call as determined by the dispatcher at the time of the call in accordance with regulations, within eight minutes on 90% of all calls originating within the metropolitan area shown on the map attached hereto as Exhibit "A". In areas outside the metropolitan area the best efforts shall be made to arrive on the scene within eight minutes. For all presumptively

designated life threatening emergencies, through notification of the Fire or Police Department, best efforts will be made to place a first responder unit on the scene within four minutes.

107.2 For each presumptively defined life threatening emergency call exceeding eight minutes, the Ambulance Authority shall provide a general summary and the action it has taken to reduce the number of responses beyond eight minutes in similar circumstances in its annual report.

107.3 To provide prompt initial care, a first-responder program shall be developed by the Medical Director with the assistance of the EMS Foundation, the Ambulance Authority and other agencies and parties providing emergency care. This system shall have a goal of on-scene response within four minutes.

107.4 The ambulance service system shall be operated to reduce to the lowest figure reasonably attainable any discrepancies in response times throughout the City and County.

107.5 The Ambulance Authority shall contractually establish response times for all non-life threatening emergency calls, but they shall not be more stringent than that required for life-threatening emergency calls.

Section 108. Rules and Regulations Relating to Volunteer Providers and Dispatching.108.1 In General.

The Public Utility Model envisions all ambulance service be provided by a single operator. However, the Common Council and the County Commissioners recognize the valuable role that volunteer ambulance providers may play in the system. To that end, the system adopted herein shall include a role for volunteer providers.

108.2 Rules for Dispatching of Participating Volunteer Providers.

(A) The rules and regulations contained in this Section shall be in addition to those for volunteer providers adopted by EMS Foundation Board of Directors. No rule relating to volunteer providers adopted by the EMS Foundation Board of Directors shall be inconsistent with anything in this Section. All volunteer providers subject to regulation under this ordinance shall comply with all communications and dispatching standards and with all rules and regulations as may be adopted pursuant to this Ordinance.

(B) All ambulance dispatching in the City of Fort Wayne, and after adoption of this Ordinance by the County City Commissioners all ambulance dispatching originating on calls from participating townships, shall be performed by a single EMS Control Center, staffed by ambulance dispatchers certified in accordance with standards set forth in appropriate rules and regulations. The dispatchers shall monitor continuously the status of all emergency resources available in the Allen County EMS System, and the current demands upon those resources. All providers shall advise the EMS Control Center as to the status of the providers' ambulances at all times.

(C) Persons answering telephone requests for ambulance service, if such call originates from within the City of Fort Wayne or a participating township, whether received in the Allen County Communications Center, the City of Fort Wayne Communications Center, shall immediately upon discovering that the call is requesting ambulance service in an area served by the Three Rivers EMS System, transfer the request to the certified ambulance dispatcher at the authorized EMS Control Center. This transfer should be made in such a manner as to allow the ambulance dispatcher to talk directly with the caller, so that the most accurate possible assessment of the situation can be made, and so that appropriate direction can be given the caller concerning procedures to be taken prior to arrival of the ambulance. Ambulance requests originating from a non-participating township shall be handled entirely by the Communications Center without referral to the EMS Control Center. Furthermore, should the EMS Control Center receive an emergency call originating within a non-participating township said call shall be referred to the county communications center.

(D) In all calls originating within a participating township the EMS Control Center shall dispatch the participating Volunteer Provider in that township and in addition shall dispatch such other vehicles as deemed necessary and appropriate pursuant to this Ordinance and medical protocols. Where the dual dispatching or other dual utilization of both a participating volunteer ambulance unit and a Paramedic emergency vehicle are involved, the following rules concerning patient transport shall apply:

(i) If both a Paramedic ambulance and a volunteer unit are simultaneously dispatched on a call, and if the volunteer unit arrives first and determines, in accordance with approved medical protocols, that Paramedic service is not required, the volunteer crew shall have the right to cancel the Paramedic unit before the arrival of the Paramedic unit at the scene.

(ii) In the event both a paramedic unit and volunteer provider unit appear at the scene of an emergency, the volunteer crew shall retain the right to transport the patient except if the patient, in accordance with approved medical protocols, is defined as being in need or likely to be in need of paramedic services, or the patient or responsible party prefers that transport be made by the paramedic unit, or if the volunteer crew requests that the patient be transported by the paramedic crew.

(iii) Any request for paramedic service by a participating volunteer crew shall be given the highest priority possible by the ambulance dispatch center.

108.3 Standards for Participating Volunteer Providers.

(A) The Medical Director, in consultation with the Volunteer Providers Advisory Council, shall recommend to the EMS Foundation Board reasonable rules and regulations for volunteer providers. These rules and regulations may include on-board equipment and communications standards; provided however, that no standard shall be imposed that would reasonably be expected to make it financially impossible for a volunteer provider to operate.

(B) The rules and regulations covering volunteer providers may require periodic local certification of volunteer crew members, provided that all skill, knowledge or training requirements in excess of those required for State certification must be determined by the EMS Foundation Board to be reasonable and practical.

(C) The Medical Director and the EMS Foundation may require in-service training of volunteers in the areas of basic life-support skill maintenance, new procedures adopted in medical protocols, use of new equipment which may be required on BLS ambulances,

diagnosis--specific refresher training found necessary as a result of medical audits performed and paramedic assistance training. The amount and kind of in-service training required of any participating volunteer shall be as is reasonably necessary to insure and demonstrate that volunteer's competence in the performance of his or her duties as a volunteer. No training requirements shall be made mandatory until such training has been available to volunteers for a period of sixty (60) days.

108.4 Participation in Record Keeping System and Medical Audits Required.

Participating volunteer providers shall be subject to participation in any medical audit performed on cases in which the volunteer crew was involved. To facilitate such audits, volunteer providers shall comply with all data system reports standards, including, but not limited to the use of standard run report forms and dispatch report forms approved by the EMS Foundation. Failure by a volunteer provider to cooperate with a medical audit may result in a penalty set by the Medical Director, which may include suspension or revocation of the volunteer provider's license; provided, however, that no volunteer provider shall be penalized because of a volunteer crew member's inability to be present at a medical audit if such inability is reasonably beyond the individual's control. Any physician conducting a medical audit should use his best efforts to schedule the audit at a time and place convenient to any volunteer(s) who may be involved.

Section 109. Provision for Collection of Fees.

109.1 The Three Rivers Ambulance Authority shall be required to pay to the EMS Foundation a fee of three and no/100 (\$3.00) dollars per ambulance run during which a patient was transported. Such payments shall be made on a monthly basis. All such money received by the EMS Foundation shall be used to fund physician supervision, medical audits, equipment inspections, personnel testing and development and study and enforcement of standards, rules and regulations, in accordance with provisions of a contract between EMS Foundation and the Three Rivers Interlocal Cooperative.

109.2 Every participating volunteer provider of emergency ambulance service in the system provided for by this ordinance shall include in billing statements, if any, such three dollar fee, as a separate item, to be paid directly to the EMS Foundation, and the volunteer provider shall have no obligation or responsibility for collection of said fee.

Section 110. Obedience of Traffic Laws.

110.1 When the senior Paramedic in charge of an ambulance has reasonable grounds to believe that an emergency exists, the driver of the ambulance may:

- (A) Park or stand, irrespective of the otherwise applicable rules of law established by ordinance;
- (B) Proceed past a red or stop signal or stop sign, but only after slowing as may be necessary for safe operation;
- (C) Exceed the maximum speed limits permitted by the City so long as life or property is not endangered; or
- (D) Disregard ordinances or regulations of the City governing the direction of movement or turning in specified directions.

110.2 The exemptions listed in subsection (A)(2)-(4) shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of the regulations promulgated by the Medical Director; the exemption listed in subsection (A)(1) shall apply only when such ambulance's making use of visual signals meeting those requirements.

110.3 The exemptions listed in subsection (A) do not relieve the driver from the duty to drive with regard for the safety of all persons.

Section 111. Patient and Scene Management.

111.1 The Senior Paramedic in charge shall have the authority for patient management at the scene of an emergency.

111.2 Authority for management of the emergency scene, exclusive of medical control over patients, shall rest with public safety officials.

111.3 In the event a licensed physician appears on the scene and desires to assume direction and control of patient care, he shall execute a form which declares he has assumed responsibility for patient care.

Section 112. Destination Determination.

112.1 For all life threatening emergency calls the patient shall be taken to the nearest appropriate facility for that clinical condition in accordance with approved medical protocols, unless otherwise directed by a base station physician.

112.2 For all non-life threatening emergency calls, the patient shall be taken to the destination of the patient's choice, or in cases where the patient is incompetent or unable to make such a judgment, the patient shall be delivered to the destination requested by the appropriate party acting on behalf of the patient. If no person is available to act for the patient, he shall be delivered to the nearest available emergency receiving facility.

Section 113. Exceptions.

113.1 The provisions of this Article shall not apply to helicopter rescue units, ambulances, and their personnel which are:

- (A) Owned and operated by an agency of the United States Government;
- (B) Rendering assistance at the request of the EMS Control Center in cases of disaster or major emergency too great for Ambulance Authority resources, or in response to the provisions of a written mutual aid agreement signed by the Ambulance Authority;
- (C) Engaged in the process of an inter-city transfer originating outside the area served by the Three Rivers EMS System;
- (D) Private businesses using a company owned and operated ambulance solely for the transportation of their employees for injury or illness sustained while performing their work;
- (E) Privately owned and designed for the transportation of the chronically infirm or physically handicapped, and used solely for the benefit of its owner and family, and is not for hire;

113.2 An owner or operator of an ambulance not exempted by the provisions of subsection (A) may request exemption from the Medical Director. The Medical Director shall determine whether or not the ambulance is to be used for the sole benefit of the owner or his family in permitting use of the privately owned vehicle. Appeals of this decision may be taken as provided in Section of this Ordinance.

Section 114. Violations and Penalties.

114.1 Violations.

It shall be unlawful:

(A) To perform duties as an ambulance driver, attendant (EMT OR Paramedic), or dispatcher without a current certificate issued by the Medical Director;

(B) To permit a person to work as an ambulance driver, attendant or dispatcher without a current certificate issued by the Medical Director;

(C) To use or cause to be used any ambulance service other than that established by this Ordinance unless exempted by the provisions of Section 113;

(D) To provide ambulance services, emergency or non-emergency, within the area served by the Three Rivers EMS System unless authorized by this Ordinance or exempted by the provisions of Section 113;

(E) To knowingly give false information to induce the dispatch of an ambulance or helicopter rescue unit.

114.2 Penalties.

(A) Any person convicted of violating the provisions of this Article shall be fined not less than one hundred nor more than five hundred dollars. This does not serve to limit any other remedies available to the City in law or equity.

(B) Each day that any violation of this Article is committed or permitted to continue shall constitute a separate offense.

115. Amendment of Special Ordinance No. S-149-81 As Amended

Special Ordinance S-149-81 as amended is hereby amended as follows: Section 1 of said Ordinance is amended by adding to said section the following at line 18 after the word "Agreement": "except that item 2 (d) of the Three Rivers Emergency Medical Services Interlocal Cooperative Agreement is amended by deleting the last sentence of said section 2 (d) and in its place the following sentence shall be inserted: 'The Three Rivers Ambulance Authority may contract with townships upon adoption of the uniform ambulance ordinance by the

County Commissioners.'" The Mayor is authorized to enter into an amendment to the Three Rivers Emergency Medical Services Interlocal Cooperative Agreement with the County Commissioners of Allen County to effectuate this amendment.

Ben A. Eisbart

COUNCILMAN

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-16-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-07-01

GENERAL ORDINANCE NO. G-15-82

AN ORDINANCE amending certain Sections of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 7, Section 90, entitled "Parking Prohibited at All Times on Certain Streets" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by adding thereto the following:

No Parking

Street/Side

Abby Drive
Both Sides

Broadway
West Side

Harmony Court
East Side

From/To

820' West of Canterbury Boulevard
350' West thereof

140' South of Huestis Avenue
260' South thereof

Berry Street
the first alley North thereof

Northgate Boulevard
North Side

Old Dover Boulevard
250' East thereof

Old Dover Boulevard
East Side

Northgate Boulevard
410' North thereof

SECTION 2. That Schedule 8, Section 91, entitled "Parking Prohibited During Certain Hours on Certain Streets", of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 be and the same is hereby amended by deleting the following:

No Parking 3.P.M. - 6:P.M.

Street/Side

From/To

Broadway
West Side

140' South of Huestis Avenue
260' South thereof

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-15-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-07

SPECIAL ORDINANCE NO. S-121-82

AN ORDINANCE approving an Agreement
with Howard Martin, Inc., for the
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement dated June 16, 1982 between the City
of Fort Wayne, by and through its Mayor and the Board of Public Works and Howard Martin, Inc., Owner,

for:

SANITARY SEWER

Lateral #1. Beginning at an existing 48-inch sanitary sewer interceptor constructed by Resolution 332-1980 at a point approximately 1050 \pm South of the centerline intersection of Meyer Road and Hoevel Road; thence due North 703 \pm LF terminating at a proposed manhole.

Lateral #2. Beginning at aforescribed 48-inch sanitary sewer interceptor at a point located 30 \pm LF East of and 1560 \pm LF South of the intersection of Meyer Road and Hoevel Road; thence North along and parallel to said Meyer Road 800 \pm LF to a proposed manhole; thence due East 300 \pm LF terminating at a proposed manhole,

of which the Owner shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Session No. S-121-82 on the 27th day of July, 1982

ATTEST	(SEAL)
Charles W. Westerman City Clerk	Samuel J. Talarico Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-08

SPECIAL ORDINANCE NO. S-122-82

AN ORDINANCE approving an Agreement with
Adams Center Landfill, Inc., for the
construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated June 16, 1982 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Adams Center Landfill, Inc., Owner, for:

SANITARY SEWER

Beginning at an existing sanitary sewer manhole located 1,400 + LF West of and 100 + LF South of the centerline intersection of Adams Center Road and Penn Central Railroad; thence Easterly along and parallel to the South right-of-way of said Penn Central Railroad 1360 + LF to a proposed manhole located 100 + LF South of an 45 + LF West of the centerline intersection of said Penn Central Railroad and Adams Center Road; thence South along Adams Center Road 1200 + LF terminating at a proposed manhole. Said sewer shall be 12-inches and 8-inches in diameter,

of which the Owner shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-122-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-09

SPECIAL ORDINANCE NO. S-123-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-011940 with
Eaglebrook Environmental c/o By
Products, Inc. for the Water

Pollution Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-011940 between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and Eaglebrook Environmental c/o By Products, Inc. for:

the purchase of Liquid Ferrous Sulfate, used in the processing of phosphorus in sewage treatment, for the Water Pollution Control Plant,

at a total cost of One Hundred Thousand and No/100 Dollars (\$100,000.00) to be paid by City Utilities, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-123-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-10

SPECIAL ORDINANCE NO. S-124-82

AN ORDINANCE approving a Promissory
Note with Hagerman Shambaugh

WHEREAS, Modification in payment terms of the City of Fort Wayne, Indiana's portion of the Water Quality Control Project, Phases A, B and C Advanced Wastewater Treatment Contract with Hagerman Shambaugh Joint Bidders, EPA Project No. C-180774-03 is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Promissory Note attached hereto, made a part hereof, as if fully set out herein, with respect to the City of Fort Wayne, Indiana and Hagerman Shambaugh Joint Bidders for EPA Project No. C-180774-03 is hereby approved. Two copies of said Promissory Note are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this rRdinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-124-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-13 (as amended)

SPECIAL ORDINANCE NO. S-127-82

AN ORDINANCE approving an Agreement
between the City of Fort Wayne and
Ronald J. Bonar & Associates, Inc.
for preparation of plans and specifications along with
inspection of portions of the City
Sewer System, and the Water Pollution
Control Plant that were damaged by the
1982 Flood

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTIONN 1. That a certain Agreement dated May, 11982 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Ronald L. Bonar & Associates, Inc., for:

preparation of plans and specifications along with inspection of portions of
the City Sewer System and the Water Pollution
Control Plant including lagoons and ponds that
were damaged by the 1982 Flood,

at a total cost of Two Hundred Thirty Six Thousand Three and No/100 Dollars (\$236,003.0 all as more

particularly set forth in said Agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, be and the same is in all things hereby ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Buns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Bradbury, Eisbart, GiaQuinta, Stier, Talarico
Nays: Two
Schmidt, Schomburg
Abstained: One
Burns
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-127-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-82-07-14

ANNEXATION ORDINANCE NO. X-03-82

AN ORDINANCE annexing certain territory commonly known as the Magnavox Way Annexation Area to the City of Fort Wayne, Indiana, and including the same in Councilmanic District No. Four

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of Section 6 and 7, Township 30 North
Range 12 East, and part of the Northeast Quarter of Section 12, Township 30 North,
Range 11 East, all in Allen County, Indiana.

Commencing at a point 40 feet east of the center of Section 7, Township 30 North,
Range 12 East, also being on the east right-of-way line of Getz Road; thence north

on said east line a distance of 212.75 feet; thence east on a line parallel to the east-west centerline of Section 7, Township 30 North, Range 12 East, a distance of 227.6 feet; thence north by an interior angle of 88 degrees 17 minutes a distance of 162.75 feet to the south line of Lot #17 in Pavey's Subdivision to the City of Fort Wayne, thence east along the south line of said Lot #17 to the southeast corner of said Lot; thence north on the east line of said Lot #17 to the northeast corner of said Lot; thence west on the north line of Lot #17 to the east right-of-way line of Getz Road; thence north on said east line to the south line of Lot #14 in said Pavey's Subdivision; thence east along said south line to the southeast corner of said Lot #14; thence north along the east line of said Lot #14 to the northeast corner of said Lot; thence east on a line parallel to the eastwest centerline of said Section 7 a distance of 330 feet; thence north by an interior angle of 91 degrees 96 minutes a distance of 40.5 feet; thence east by an interior angle of 88 degrees 44 minutes a distance of 757.2 feet to the west line of Westmoor Extended Addition to the City of Fort Wayne, Indiana; thence north on said west line to the northwest corner of Lot #100 of said addition; thence east 80 feet to the northeast corner of said Lot #100; thence south and parallel to the east line of Section 7 a distance of 32 feet; thence east along a line parallel to the east-west centerline of said Section 7 to the east line of said Section 7; thence north along the east line of Section 7 and Section 6 to the north right-of-way line of Illinois Road; thence west along the north right-of-way line of Illinois Road to a right-of-way marker located 1306.65 feet west of the east line of the Southwest Quarter of Section 6, Township 30 North, Range 12 East, located at Station 61 + 52.35 on line S-14-A State Highway "I" Project No. 69-4 (13) 105; thence south to the south right-of-way line of Illinois Road, said point also being the east

right-of-way line of I-69; thence following the east right-of-way line of I-69 to the south line of the Northeast Quarter of Section 12, Township 30 North, Range 11 East, thence east on said south line and the south line of the Northwest Quarter of Section 7, Township 30 North, Range 12 East, to the west line of Covington Acres Amended Addition; thence north along said west line to the northwest corner of Lot #8 in said addition; thence east along the north line of said Lot #8 to the west right-of-way line of Getz Road; thence south along said east line a distance of 280 feet to the south line of the Northwest Quarter of Section 7, Township 30 North, Range 12 East; thence east along said line a distance of 80 feet to the point of beginning; said area containing 243.37 acres, more or less.

SECTION 2. The City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature including street construction, street lighting, sewer facilities, water facilities and storm-water drainage facilities to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of City Councilmanic Political Ward No.

4 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. After its passage, approval by the Mayor, final publication, and required sixty (60) days remonstrance period, this Ordinance shall be in full force and effect either on December 31, 1982, or sixty (60) days after the final publication, whichever is later.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-03-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-07-19

RESOLUTION NO. R-40-82

A RESOLUTION of the Common Council
of the City of Fort Wayne, Indiana
setting forth the policy of the
City of Fort Wayne, Indiana in
regard to the annexation of the Magnavox
Way Annexation Area

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council has before it an Ordinance for the annexation of the Magnavox Way Annexation Area, more specifically described to-wit:

Parts of Sections 6 and 7, Township 30 North, Range 12 East, and part of the Northeast Quarter of Section 12, Township 30 North, Range 11 East, all in Allen County, Indiana.

Commencing at a point 40 feet east of the center of Section 7, Township 30 North, Range 12 East, also being on the east right-of-way line of Getz Road; thence north on said east line a distance of 212.75 feet; thence east on a line parallel to the east-west centerline of Section 7, Township 30 North, Range 12 East, a distance of 227.6 feet; thence north

by an interior angle of 88 degrees 17 minutes a distance of 162.75 feet to the south line of Lot #17 in Pavey's Subdivision to the City of Fort Wayne; thence east along the south line of said Lot #17 to the southeast corner of said Lot; thence north on the east line of said Lot #17 to the northeast corner of said Lot; thence west on the north line of Lot #17 to the east right-of-way line of Getz Road; thence north on said east line to the south line of Lot #14 in said Pavey's Subdivision; thence east along said south line to the southeast corner of said Lot #14; thence north along the east line of said Lot #14 to the northeast corner of said Lot; thence east on a line parallel to the east-west centerline of said Section 7 a distance of 330 feet; thence north by an interior angle of 91 degrees 96 minutes a distance of 40.5 feet; thence east by an interior angle of 88 degrees 44 minutes a distance of 757.2 feet to the east line of Westermoor Extended Addition to the City of Fort Wayne, Indiana; thence north of said west line to the northwest corner of Lot #100 of said addition; thence east 80 feet to the northeast corner of said Lot #100; thence south and parallel to the east line of Section 7 a distance of 32 feet; thence east along a line parallel to the east-west centerline of said Section 7 to the east line of said Section 7; thence north along the east line of Section 7 and Section 6 to the north right-of-way line of Illinois Road; thence west along the north right-of-way line of Illinois Road to a right-of-way marker located 1306.65 feet west of the east line of the Southwest Quarter of Section 6, Township 30 North, Range 12 East, located at Station 61 + 52.35 on line S-14-A State Highway "I" Project No. 69-4 (130 105; thence south to the south right-of-way line of Illinois Road, said point also being the east right-of-way line of I-69; thence following the east right-of-way line of I-69 to the south line of the Northeast Quarter of Section 12, Township 30 North, Range 11 East, thence east on said south line and the south line of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, to the west line of Covington Acres Amended Addition; thence north along said west line to the northwest corner of Lot #8 in said addition; thence west along the north line of said Lot #8 to the east right-of-way line of Getz Road; thence south along said west line a distance of 280 feet to the south line of the Northwest Quarter of Section 7, Township 30 North, Range 12 East; thence east along said line a distance of 80 feet to the point of beginning; said area containing 243.37 acres, more or less.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Magnavox Way annexation it is the policy of the City of Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Code of the City of Fort Wayne of 1974 with regard to the provisions of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by the annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force upon the effect date of the Magnavox Way Annexation Ordinance.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-40-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-07-39

RESOLUTION NO. R-41-82

A RESOLUTION of Commendation
to Walter Jordan for his
Service to this Community

On July 9, 1982, the third annual All Star basketball game was played in Fort Wayne.

Walter Jordan established this event and continues to put it together every year. This year he was responsible for obtaining in the Parade of Stars basketball games such basketball stars as Isiah Thomas, Robert Reid, Mike Woodson, and Bobby Wilkerson and others to participate.

Not only the above named basketball stars but also others came to Fort Wayne paying their own transportation and other costs to help a cause. That cause initiated by Walter Jordan was to aid and assist Allen County Society for Crippled Children and Adults.

Walter Jordan deserves a tremendous ovation from the people of the City of Fort Wayne, Indiana for his work in promoting this worthwhile endeavor.

There are not many people, at such a young age, willing to give back so much to their community as Walter Jordan has done.

In an humble negating fashion he has seen fit to publicly give much credit to others when he said in print in on the local media:

"This is just another example of the community involvement of our residents. And I'm particularly happy for the support of our black community.

"I'm proud of Fort Wayne"

BE IT THEREFORE RESOLVED BY THE COMMON COUNCIL of the City of Fort Wayne, Indiana, that a vote of thanks be given to Walter Jordan for his undertaking in support of such a worthwhile cause for the Allen County Society for Crippled Children and Adults and that we further state to him, "Fort Wayne is very Proud of You, Walter Jordan."

Samuel J. Talarico
President of Common Council

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-41-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of July, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-11 (as amended)

SPECIAL ORDINANCE NO. S-125-82

AN ORDINANCE approving an agreement between the City of Fort Wayne, Indiana through its Board of Public Works and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf for a water main extension

WHEREAS, the City of Fort Wayne, Indiana has made a strong commitment to this community for economic development; and

WHEREAS, the City of Fort Wayne, through its Board of Public Works, and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf have agreed to a joint venture for economic development; and

WHEREAS, Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf are owners of the following described real estate, to-wit:

Located in the Northeast Quarter of Section 16, and Northwest Quarter of Section 15, Township 31 North, Range 12 East, consisting of 112.545 acres, bounded on and contiguous to the following boundaries: Cook Road, Ludwig Road, Chalfant Road and the former G R & I Railroad and

said property more particularly described on Exhibit "A" attached hereto, made a part hereof, as if fully set out herein; and

WHEREAS, Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf, owners of the aforescribed real estate, created an Industrial Research Center on said property; and

WHEREAS, as part of the joint venture by the City of Fort Wayne, through its Board of Public Works, and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf, the City has been requested to extend a sixteen inch (16") water main of the aforescribed real estate known as Cook Road Industrial Research Center.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated June 9, 1982 between the City of Fort Wayne, Indiana, by and through its Board of Public Works, and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf for a water main extension, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, a copy of which attached hereto, made a part hereof, as if fully set out herein, be and the same is in all things hereby ratified, confirmed and approved, provided waiver of remonstrance against annexation of the area is made a part of said agreement. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

Absent: One

Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-125-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 6th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-12 (as amended)

SPECIAL ORDINANCE NO. S-126-82

AN ORDINANCE approving an Agreement between the City of Fort Wayne, Indiana through its Board of Public Works and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf for a sanitary sewer extension

WHEREAS, the City of Fort Wayne, Indiana has made a strong commitment to the community for economic development; and

WHEREAS, the city of Fort Wayne, through its Board of Public Works, and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf have agreed to a joint venture for economic development; and

WHEREAS, Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf are owners of the following described real estate, to-wit:

Located in the Northeast Quarter of Section 16, Township 31 North, Range 12 East, consisting of 112.545 acres, more or less, bounded on and contiguous to the following boundaries: Cook Road, Ludwig Road, Chalfant Road and the former G R & I Railroad, and

said property more particularly described on Exhibit "A" attached hereto, made a part hereof, as if fully set out herein; and

WHEREAS, Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf, owners of the aforescribed real estate, intend to create an Industrial Research Center on said property; and

WHEREAS, the City of Fort Wayne has an existing twenty-four inch (24") sanitary sewer

located 1135 ± LF East of aforescribed tract of land and 1220 ± LF North of Ludwig Road, referred to as Spy Run Interceptor; and

WHEREAS, the City of Fort Wayne has been requested by Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf to extend a fifteen inch (15") sanitary sewer service to the East property line of the aforescribed real estate known as Cook Road Industrial Center; and

WHEREAS, Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf, in an effort to induce the City of Fort Wayne to extend said sanitary sewer to the aforescribed real estate, have committed to provide all engineering costs for the preparation of plans and specifications, and to acquire all necessary easements for said sewer extension to the East property line of the aforescribed real estate; and also agree to pay, in addition to the Three Hundred and No/100 Dollars (\$300.00) area connection fee due the Spy Run Interceptor Sewer, one-half the cost of construction and inspection cost of the off-site sanitary sewer extension.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated June 9, 1982 between the City of Fort Wayne, Indiana, by and through its Board of Public Works and Cook Road Industrial Investors, Inc., Sam W. Fletcher, Jack W. Schrey and Fred Marolf for a sanitary sewer extension, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, a copy of which is attached hereto, made a part hereof, as if fully set out herein, be and the same is in all things hereby ratified, confirmed and approved provided waiver of remonstrance against annexation of the area is made a part of said agreement. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier,
Talarico
Nays: None
Absent: One
Nuckols

Date: 7-27-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-126-82 on the 27th day of July, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 6th day of Aug., 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-20 (as amended)

SPECIAL ORDINANCE S- 128-82

AN ORDINANCE fixing the salaries of each and every appointed officer, employee, deputy assistant, departmental and institutional head of the Civil City and City Utilities of the City of Fort Wayne, Indiana for the year 1983.

WHEREAS, the Mayor and the Common Council of the City of Fort Wayne, Indiana, have according to the powers outlined in IC 36-4-7-3 and IC 36-8-3-3(d) assigned to each employee of the Civil City of Fort Wayne and of City Utilities of Fort Wayne a Labor Grade under the City Classification System established by Ordinance No. S-34-73 and subsequently modified and improved, which grades should accurately reflect the duties and responsibilities of said employees, and

WHEREAS, the Mayor of the City of Fort Wayne has recommended a maximum salary level for each labor grade in a systematic way, reflecting sound compensation planning and the effects of competitive pressures, and

WHEREAS, the Common Council must assure that salaries reflect the duties and responsibilities assigned to each employee, and to be certain that such salaries are fair and equitable, and

WHEREAS, the funds for such salaries are to be provided for the 1983 City Budget and from City Utilities operating funds and other such sources as may be specified by the Common Council.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That all employees of the Civil City of Fort Wayne and of City Utilities, shall be classified by the departments, titles and labor grades herein designated, and that no changes be made in any labor grade

without the specific approval of the Common Council, except for those brought about by collective bargaining with authorized representatives of City or Utilities employees in accordance with existing collective bargaining agreements.

SECTION 2. That the following scale of Maximum Salaries is hereby fixed and authorized as a ceiling for approved labor grades. This maximum will not be exceeded, except for approved shift differentials, overtime pay and bonuses or technical skill pay specifically enumerated in this ordinance or in amendments to this ordinance or in collective bargaining agreements approved by the Common Council:

	LABOR GRADE	MAXIMUM SALARY
12	1	\$10,300
13	2	11,588
14	3	12,875
15	4	14,163
16	5	15,450
17	6	16,738
18	7	18,025
19	8	19,313
20	9	20,600
21	10	21,888
22	11	23,175
23	12	24,463
24	13	25,750
25	14	27,038
26	15	28,325
27	16	29,612
28	17	30,900
29	18	32,188
30	19	33,475
31		
32		

1 This scale is an attempt to maintain an orderly, consistent and competi-
2 tive pay policy and is based upon the application of results of a salary
3 survey conducted in June 1981, increased by three percent, the average
4 wage increase for this area over the past twelve months. Actual increases
5 will result from 1.) a general increase of three percent, or 2.) adjust-
6 ments to the minimum base pay for an individual's labor grade, or
7 3.) progression to a level specified in an approved collective bargaining
8 agreement between the City of Fort Wayne and a recognized employee repre-
9 sentative organization.

10 SECTION 3. The following is a true and complete listing of all City
11 and Utilities salaried non-bargaining unit positions by Department, Posi-
12 tion Title and Labor Grade. It does not include those positions which are
13 specified as part of a bargaining unit having a written economic agreement
14 with the City or Utilities. Such positions and titles being included in
15 this ordinance by reference to those economic agreements negotiated by the
16 City Personnel Director and approved by Common Council.

17 The listing below includes the results of a comprehensive reevalua-
18 tion of City and Utilities salaried non-bargaining unit positions accom-
19 plished this year in accordance with the official position evaluation plan
20 and accurately reflects compensation for job qualifications and duties in
21 keeping with that plan.

LABOR GRADE	TITLE
24 MAYOR'S OFFICE	
25	
26 17	Administrative Assistant
27 8	Executive Secretary
28 7	Receptionist
29	

1	CONTROLLER'S OFFICE	
2	19	Controller
3	17	Deputy Controller
4	14	Internal Auditor
5	14	Administrator - Federal Funds
6	8	Executive Secretary
7	UC \$23,690	Council Attorney
8	ECONOMIC DEVELOPMENT	
9	17	Director
10	15	Assistant Director
11	14	Finance Specialist
12	13	Business Planning Specialist
13	5	Executive Secretary B
14		
15	METRO HUMAN RELATIONS COMMISSION	
16	17	Executive Director
17	13	Deputy Director - Administrative
18	13	Deputy Director - Investigative
19	13	Staff Attorney
20	12	Chief Investigator
21	5	Executive Secretary B
22		
23	CITY CLERK'S OFFICE	
24	10	Chief Deputy/Supervisor
25	6	Personnel Supervisor
26	5	Records Supervisor
27	5	Violations Citizen's Advocate
28	5	Executive Secretary/Bookkeeper
29		
1	BOARD OF PUBLIC WORKS	
2	19	Chairman
3	18	Member of Board
4	12	Clerk to Board
5	6	Executive Secretary A
6		
7	PUBLIC AFFAIRS	
8	16	Citizens Advocate
9	12	Director - Citizen's Participation
10	12	Minority Affairs Officer
11	9	Administrative Assistant
12	8	Assistant - Citizens Advocate
13		
14	COMMUNITY DEVELOPMENT & PLANNING	
15	18	Director
16	17	Director of Planning
17	16	Senior Planner
18	8	Officer Manager
19		
20	STREET ENGINEERING	
21	15	Street Engineer
22	6	Executive Secretary A

23		
24	BOARD OF PUBLIC SAFETY	
25	UC \$7,210	Chairman
26	UC \$4,326	Member of Board
27	6	Executive Secretary A
28		
29	POLICE CIVILIANS	
30	16	Legal Advisor
31	13	Chemist
32	12	Records Supervisor
	12	Superintendent Police Garage
1	POLICE CIVILIANS (Cont.)	
2	9	Records Bureau Technician
3	9	Darkroom Technician
4	5	Executive Secretary B
5		
6	POLICE COMMAND	
7	17	Chief of Police
8	16	Assistant Chief
9	15	Deputy Chief
10	6	Executive Secretary A
11		
12	FIRE COMMAND	
13	17	Fire Chief
14	16	Deputy Chief
15	15	Assistant Chief
16	6	Executive Secretary A
17		
18	CIVIL DEFENSE	
19	13	Civil Defense Director
20		
21	WEIGHTS AND MEASURES	
22	11	Inspector
23	4	Receptionist/Secretary C
24		
25	COMMUNICATIONS	
26	15	Director of Communications
27	12	Technician I
28	10	Technician II
29		
30	TRAFFIC ENGINEERING	
31	15	Traffic Engineer
32	13	Assistant Traffic Engineer

1	LAW DEPARTMENT	
2	7	Legal Secretary
3	UC \$24,205	City Attorney
4	UC \$22,660	Special Counsel to Mayor
5	UC \$13,905	Associate City Attorney
6		
7	HUMANE SHELTER	
8	14	Executive Director
9	10	Special Humane Officer
10	9	Animal Technician
11		
12	EMERGENCY MEDICAL SERVICES	
13	15	Director
14	13	Assistant Director
15		
16	AVIATION DEPARTMENT	
17	18	Director of Airports
18	14	Assistant Airport Director - Operations
19	14	Assistant Airport Director - Finance
20		& Administration
21	14	Assistant Airport Director - Fire-Police
22		Chief
23	12	Lead Electrician
24	12	Field Maintenance Superintendent
25	12	Captain Fire-Police
26	11	Water Plant Supervisor/Plumber
27	11	Building Maint. Superintendent
28	11	Lead Mechanic
29	10	Lieutenant Fire-Police
30	10	Field Supervisor
31	9	Fire-Police Officer
32		
33		
1	AVIATION DEPARTMENT (Cont.)	
2	9	Lead Carpenter
3	8	Equipment Operator A
4	7	Building Supervisor
5	7	Executive Secretary
6	7	Water Plant Operator
7	7	Mechanic
8	7	Electrician
9	6	Carpenter
10	6	Accounting Clerk
11	6	Administrative Assistant
12	6	Secretary A
13	6	Equipment Operator B
14	5	Secretary B
15	4	Maintenance Person
16	4	Terminal Police Officer
17	4	Custodian A
18	3	Custodian B

19	PARKS AND RECREATION	
20	18	Director of Parks and Recreation
21	17	Superintendent Parks
22	17	Superintendent Recreation
23	17	Superintendent Zoo & Veldt
24	15	Business Manager
25	15	Horticulturist - Conservatory Manager
26	14	Supervisor Areas Maintenance
27	13	Supervisor Horticulture
28	13	Arborist
29	13	Engineer-Planner
30	13	Director Sr. Citizens Center
31	13	Administrative Assistant - Planner
32		
1	PARKS AND RECREATION (Cont.)	
2	13	Supervisor - Buildings & Equip.
3	13	Sports Facilities Manager
4	12	Assistant Arborist
5	12	Asst. Supervisor Areas Maintenance
6	12	Landscape Architect
7	12	Coordinator Neighborhood Services
8	12	Theatre Manager
9	12	Supervisor - Special Services
10	11	Sports Program Manager
11	11	Coordinator of Special Activities
12	11	Greenskeeper - Supervisor
13	10	Public Information Officer
14	10	Recreation Center Director
15	9	Office Manager
16	9	Program Coordinator, Sr. Citizens Center
17	8	Assistant Special Services Supervisor
18	UC \$19,120	Golf Pro/Greenskeeper
19	UC \$ 9,045	Golf Pro
20		
21	REDEVELOPMENT	
22	18	Executive Director
23	11	Administrative Aide/Relocation
24	6	Executive Secretary A
25		
26	PARKING ADMINISTRATION	
27	13	Parking Administrator
28		
29	STREET DEPARTMENT	
30	15	Street Commissioner
31	13	Assistant Street Commissioner
32	10	General Foreman

CITY UTILITIES (All Departments)

1	19	Director, Personnel and Labor Relations
2	18	Director of Water Resources
3	18	Director of City Utilities Operations
4	18	Director of Transportation
5	17	Superintendent of Filtration Plant
6	17	Superintendent of WPC Treatment Plant
7	17	Director of Data Processing
8	17	Associate Director of Personnel & Labor
9		Relations
10	16	Superintendent of Maintenance
11	15	Director of Street Lighting Engineering
12	15	Chief Water Engineer
13	15	Chief WPC Engineer
14	15	Director of Technical Services
15	15	Supervisor of Customer Services
16	15	Purchasing Director
17	14	Superintendent of St. Lighting Warehouse
18	14	Supervisor of Water Maint. Construction
19	14	Supervisor of Water Maint. Service
20	14	Assistant Superintendent - WPC Maint.
21	14	Systems Analyst
22	14	Systems Programmer
23	14	Public Information Officer
24	13	Maintenance Foreman - Filtration Plant
25	13	Project Engineer
26	13	Supervisor of Maintenance - WPC Plant
27	13	Resident Engineer - WPC Plant
28	13	Project Leader Data Processing
29	13	Supervisor of General Accounting
30	13	Supervisor of Office Services
31	13	Supervisor of Payroll Services
32		

CITY UTILITIES (Cont.)

1	13	EEO Director
2	13	Supervisor of Safety and Claims
3	13	Assistant Director of Purchasing
4	12	General Foreman - WPC Maint.
5	12	Superintendent of City Utilities Garage
6	12	Supervisor of Meter Reading
7	12	Personnel Officer
8	12	Employment Specialist
9	11	Assistant Supervisor - WPC Plant Maint.
10	11	Administrator - Sludge Disposal
11	11	Administrative Ass't. Customer Services
12	11	Supervisor of Data Operations
13	11	Veterans Services Officer
14	11	Supervisor - Indust. Waste Control
15	10	Administrative Ass't. - Water Eng.
16	10	Payroll Administrator
17	10	Safety Investigator
18	9	Administrative Ass't.
19	9	Office Manager - Personnel
20	6	Purchasing Administrative Assistant
21	6	Executive Secretary A
22	5	Purchasing Data Entry Clerk
23	5	Executive Secretary B
24	4	Executive Secretary C
25		

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SECTION 4. The base pay and other compensation for patrolmen in the Fort Wayne Police Department is hereby established as provided in the attached Exhibit 1, made a part hereof, as reached through the collective bargaining process. Police officers of the rank Sergeant through Captain inclusive are as established in attached Exhibit 2. At this time, and pursuant to the City's Collective Bargaining Ordinance, negotiations for

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compensation are underway with respect to Firefighters represented by the Fort Wayne Professional Firefighters Union, Local 124. Furthermore, the following additions and modifications, developed through the Collective Bargaining Process, are hereby approved and this modify the Basic Salary Ordinance:

a. Patrolmen in the Police Department, hired after January 1981, shall receive an annual base pay as follows:

(1) For the first year (365 days), the patrolmen's base pay shall be eighty percent (80%) of the base pay of a first class patrolman;

(2) For the second year (365 days), the patrolmen's base pay shall be ninety percent (90%) of the base pay of a first class patrolman;

(3) For the third year (365 days) the patrolmen's base pay shall be ninety-five percent (95%) of the base pay of a first class patrolman.

b. As an incentive to attract trained and qualified personnel, in the future, an educational bonus shall be paid to personnel of the Police Department as follows:

(1) All officers who were officers as of January 1, 1981 and who have obtained a four year baccalaureate degree by January 1, 1981, shall receive a bonus of nine hundred dollars (\$900) per year added to their regular earnings.

(2) All officers who were officers as of January 1, 1981, and who by January 1, 1981 had obtained a two year Associates degree shall receive a bonus of four hundred and fifty dollars (\$450) per year added to their regular earnings.

(3) All officers hired after January 1, 1981, shall receive no educational bonus whatsoever until three years of service with the department is completed, and then shall receive a bonus of nine hundred (\$900) per year, only upon obtaining a four year baccalaureate degree in law enforcement.

The maximum that any officer can receive under this section shall be the sum of nine hundred and 00/100 dollars (\$900) yearly bonus.

c. Any off-duty officer who is required to attend, by subpoena and does so attend court for a criminal matter or a civil matter related to his or her law enforcement duties shall receive, for each hour that he or she is required to be in court and actually is in court, one and one-half times his or her normal hourly rate computed on his or her base annual rate only. In addition thereto, each off-duty officer who is required to attend, by subpoena, and does so attend court for a criminal or civil matter related to his or her law enforcement duties, shall receive one hour of straight time pay (computed on the annual base only) for each such court appearance.

d. Each officer shall receive five hundred dollars (\$500) per year as a uniform allowance.

e. Shift payments will be made to Police Officers as follows:

(1) Officers who were officers as of January 1, 1981, and who are assigned to "B" shift or any shift beginning between 12 noon and 3 p.m., shall have added to their regular earnings seven hundred dollars (\$700) for such pay period.

(2) Officers who were hired as of January 1, 1981, and were assigned to "C" shift or any shift beginning between 9 p.m. and 12 midnight, shall have added to their regular determined earnings one thousand four hundred dollars (\$1,400) annually for such time as they regularly work such shift.

(3) Officers hired after January 1, 1981, shall not receive the shift payments referred to above for the first three years of their service. Except that new patrol officers, who have served one year on the force in the department shall be eligible for shift pay beginning January 1984.

e. Police Bonus and Incentive payments referred to in this section or elsewhere are not to be construed in any manner as additions to the base salary of any officer within the meaning of Burns Indiana Statutes Annotated Section 48-6403. Only the actual base rate established by Collective Bargaining agreement and approved by the Common Council for the First Class Patrolmen shall be included in that rate.

f. A one thousand dollar (\$1,000) bonus will be given to each commissioned employee of the Fort Wayne Fire Department who has 25 (or more) years of service, unless it would be determined that such bonus constitutes a part of the base rate of Fire-fighter for Pension purposes.

h. Firefighters covered by Indiana Burns Statutes 37 and 77 who are permanent, paid employees wherever assigned to duty outside the Fire Department will receive a shift bonus of thirty-five cents per hour (35¢) for all hours worked on shifts beginning between 12 noon and 12 midnight.

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i. Five hundred dollars (\$500) technical pay for the following Fire Classifications is also authorized:

- (1) No more than twenty (20) divers
- (2) Three (3) Signal Department Journeymen Electricians
- (3) Two (2) Certified E.M.T. Instructors

j. Employees covered by recognized bargaining unit representatives (Unions) will receive a salary established by the Collective Bargaining process as long as the salaries do not exceed the table of maximum salaries authorized in Section 2, above. Copies of agreements already reached for 1983 are attached to this ordinance, as Exhibits 1, 2, 3 and 4.

as amended
7-29-82

SECTION 5. Any compensation received by the City Attorney and Associate City Attorney's above that established by this salary ordinance as well as any compensation received by special counsel must be submitted and approved in the form of prior approvals to this Common Council before such charges are paid.

SECTION 6. From and after the first day of January 1983, all appointed officers, employees, deputies, assistants, departmental and institutional heads of the Civil City and City Utilities will be paid according to this, the above and following provisions of this ordinance, subject to budgetary limitations, collective bargaining agreements, future changes or amendments enacted by Common Council. Specific recommendations for salaried non-bargaining unit personnel are appended in this Ordinance as Exhibit 5.

SECTION 7. As an amendment to Special Ordinance S-178-81 and S-179-81, certain existing inequities have developed and are hereby being corrected effective upon passage of this ordinance by Council and approval by the Mayor. These adjustments to the above ordinance include:

- A. The following City of Fort Wayne Salaries be amended as follows:

1	NAME	TITLE	LG	FROM	TO
2					
3	T. Heckman	Deputy Fire Chief	16	\$21,932	\$25,432
4	T. Loraine	Asst. Fire Chief	15	21,932	23,932
5	M. Eady	Asst. Fire Chief	15	21,932	23,932
6	Ron Brown	Asst. Fire Chief	15	21,932	23,932
7	C. Stilwell	Asst. Fire Chief	15	21,932	23,932
8	Roland Brown	Asst. Fire Chief	15	21,932	23,932
9	D. Racine	Asst. Police Chief	16	23,091	25,432
10	R. Hathaway	Deputy Chief	15	21,955	23,932
11	H. Sanders	Deputy Chief	15	21,955	23,932
12	E. Walter	Deputy Chief	15	21,955	23,932
13	S. Oberlin	Director of Communications	15	21,932	23,932
14	S. Brown	Director of EMS	15	22,976	23,932
15	K. Kruse	Asst. Director of EMS	13	20,799	21,796
16	S. Davis	Asst. Traffic Engineer	14	19,435	21,089
17	D. Overby	Signal Supt.	14	21,728	22,364
18	D. Straub	Director of Operations	9	14,915	15,415
19	P. Bennett	Supt. of Recreation	16	21,788	23,000
20	E. Wells	Supt. of Zoo	16	21,826	23,000
21	D. Noak	Supt. of Parks	16	21,788	23,000
22	T. Stephanoff	Park Business Manager	15	21,365	22,500
23	J. Haley	Deputy Controller	17	25,442	27,000
24	W. Stout	Traffic Engineer	15	24,908	26,179
25	B. The following Salaries in City Utilities are also amended:				
26	A. Lamos	Director of Data Processing	16	27,040	28,600
27	M. Collins	Personnel Officer	14	16,100	17,812
28	SECTION 8. That all Departments subject to this ordinance will				
29	conform to the Official City Personnel Policies and Procedures relating to				
30	hiring, pay, and other related practices, approved by the Mayor and				
31	administered by the City's Personnel Department.				
32					
1	SECTION 9. If any section, clause, sentence, paragraph or part or				
2	provisions of this ordinance be found invalid or void by a Court of compe-				
3	tent jurisdiction, it shall be conclusively presumed that this ordinance				
4	would have passed by the Common Council without such invalid section,				
5	clause, paragraph, part or provision, and the remaining parts of the				
6	ordinance will remain in effect.				
7					
8	SECTION 10. Two copies of all attachments and Exhibits referred to in				
9	this Ordinance shall be kept on file with the City Clerk of Fort Wayne for				
10	the purpose of public inspection.				
11					
12	SECTION 11. This ordinance shall be in full force and effect from				
13	and after its passage and approval by the Mayor.				
14					
15					
16					
17					

COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Bradbury, Eisbart, GiaQuinta, Stier, Talarico
Nays: Three
Burns, Schmidt, Schomburg
Absent: One
Nuckols

Date: 7-29-82 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-128-82 on the 29th day of July, 1982

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 30th day of July, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 2nd day of August, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-22

SPECIAL ORDINANCE NO. S-131-82

AN ORDINANCE approving a Fire Protection Contract
between the City of Fort Wayne and Zollner
Corporation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 1, 1982 between the City of Fort Wayne by and through its Mayor and Board of Commissioners, Department of Public Safety and Zollner Corporation, for:

Fire Protection Service to be provided by the City of Fort Wayne Fire Department to certain improvements upon real estate near but outside of the corporate limits of the City of Fort Wayne, which real estate is owned by said Zollner Corporation,

for a total cost of Six Thousand Six Hundred Six and 10/100 Dollars (\$6,606.10), all as more particularly set forth in said contract which is on file in the Office of the Department of Public Safety and attached hereto, made a part hereof as if fully set out herein, be and the same is hereby in all things ratified, confirmed and approved. Two copies of said Fire Protection Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-131-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock a.m., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-23

SPECIAL ORDINANCE NO. S-132-82

AN ORDINANCE authorizing the execution of
Agreements and understandings between
the City of Fort Wayne and the United States
Army Corps of Engineers

WHEREAS, due to the Flood of 1982 it has been necessary for the City of Fort Wayne to engage the assistance of the United States Army Corps of Engineers; and

WHEREAS, to complete rehabilitation, it is necessary for the City of Fort Wayne to enter into certain Agreements and understandings with the United State Army Corps of Engineers.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is hereby given authority to enter into a certain Agreement with the United States Army Corps of Engineers for rehabilitation of the flood control dike. A copy of said Agreement is attached hereto, made a part hereof, as if fully set out herein, and further, two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Tlarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-132-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-07-24

RESOLUTION NO. R-42-82

A RESOLUTION approving Resolution
No. 8219 as adopted by the Fort Wayne
Redevelopment Commission for an Amendment
to the Civic Center Renewal Project

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution No. 82-19, Declaratory Resolution - Amendment to the Civic Center Renewal Project, as adopted by the Fort Wayne Redevelopment Commission on June 21, 1982, and approved by the City Plan Commission on June 21, 1982, and approved by the City Plan Commission on June 28, 1982, providing for conformance to the Master Plan of Development for the City of Fort Wayne, all as more particularly set forth in said Resolution which is on file in the Office of the Fort Wayne Redevelopment Commission and is attached hereto, made a part hereof, as if fully set out herein, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Talarico
Nays: Three
Burns, Stier
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-42-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-06-04

DECLARATORY RESOLUTION NO. D-43-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 61.112.1

WHEREAS, Petitioner has duly filed its petition dated May 21, 1982, to have the property described in Exhibit "A", which is attached hereto and made a part hereof, designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the 1974 Municipal Code and I.C. 6-1.1-12.1; and

WHEREAS, It appears that said petition should be processed to final determination in accordance with the provisions of said Division 6;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property described in Exhibit "A", which is attached hereto and made a part hereof, is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974; and
- 9b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Brradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Vacant One

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-43-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-06-22 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-16-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 1-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot 400, Third Commerical Addition, Wayne Township,
Allen County, Indiana

and the symbols of the City of Fort Wayne, Zoning Map No. 12, as established by Section II of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-16-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-07-04

ZONING MAP ORDINANCE NO. Z-17-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974:

the West thirty-two feet (32') of Lot #52
in Bond's Third Addition

and the symbols of the City of Fort Wayne Zoning Map No. L-2, as established by Section 11 of Chapter

33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-17-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-06-25 (AS AMENDED)

GENERAL ORDINANCE NO. G-17-82

AN ORDINANCE amending Chapter 33 of the
Municipal Code of the City of Fort Wayne, Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 3 of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended by adding thereto the following:

(QQQ) Warehouse, Commercial.

A building or portion thereof, other than a self-serving storage facility, used for the storage of property for hire.

(RRR) Warehouse, Self-Service Storage Facility
(Mini-Warehouse).

A facility in which individual storage bins or enclosures not exceeding seven hundred fifty (750) square feet each are leased to individuals, businesses, or organizations for the self-service dead storage of property.

SECTION 2. That Section 13 of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana is hereby amended by adding thereto the following:

(4) In B-3-B and B-4 Districts, the Board may permit self-storage facilities, provided that the following standards are met:

a. All mini-warehouse facilities shall be constructed so as to comply with the requirements of Fire Zone 2 as set forth in General Ordinance No. G-2379.

b. Off-street parking shall be provided in the ratio of one parking space for each 10,000 square feet of gross floor area.
The mini-warehouse shall have direct access to an arterial street.
The mini-warehouse shall be limited to self-service dead storage only. The facility shall not be used in transfer and storage businesses. No sales activities shall be conducted on the premises.

c. A landscaping strip of 20' in width that contains plants providing reasonable shielding of the facilities shall be provided along all street frontages and along borders where subject property abutts any residential zoning district. In this case, in no event shall landscaping be reduced below 10% of the total site.

d. The entire facility shall be enclosed by a 7' high fence of uniform height, color and design.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
One Vacant

Date: 8-10-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-17-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-28

SPECIAL ORDINANCE NO. S-133-82

AN ORDINANCE approving Change Order No. 1
and Final for Resolution No. 339-80, Glenwood
Park Pump Station Elimination, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final for Resolution No. 339-80, Glenwood Park Pump Station Elimination, to Moellering Construction, Inc., in connection with the Board of Public Works, for:

the increase and/or decrease in the actual field measurements from the original bid in Items 1, 2, 6, 7 and 12. In Items 7 and 13, subsequent to construction of the sewer under Swayne Avenue, it was determined that to replace the street to it original condition, a four inch asphalt application was needed instead of the two inch,

in a net decrease in the amount of Sixteen Thousand Nine Hundred Ninety-Eight and 44/100 Dollars (\$16,998.44), all as more particularly set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-133-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-29

SPECIAL ORDINANCE NO. S-134-82

AN ORDINANCE approving Change Order
No. 1 and Final, Water Contract 82-XP-2,
Harrison Street Water Main Extension
in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Water Contract 82-XP-2, Harrison Street Water Main Extension, with Scheidleman Excavating, Inc., Contractor, in connection with the Board of Public Works, for:

decreases and increases resulting from the
final field measurements and quantities,

involving a net decrease in the amount of One Thousand One and 53/100 Dollars (\$1,001.53), all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

3

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-134-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-30

SPECIAL ORDINANCE NO. S-135-82

AN ORDINANCE approving Change Order No. 4,
Resolution No. 331-80, North Maumee Interceptor,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, Resolution No. 331-80, North Maumee Interceptor,
with Busch, Inc., Contractor, in connection with the Board of Public Works, for:

decreases and increases resulting from the
final field measurements and quantities,

involving a net decrease in the amount of Seventeen Thousand Three hundred Forty-Seven and 60/100
Dollars (\$17,347.60) all as more particularly set out in the specifications, which are on file in the Office
of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the
same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-135-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of
August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-31

SPECIAL ORDINANCE NO. S-136-82

AN ORDINANCE approving Change Order
No. 2 and Final, Resolution No. 332-80,
north Maumee Interceptor, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and Final, Resolution No. 332-80, North Maumee
Interceptor, with Busch, Inc., Contractor, in connection with the Board of Public Works, for:

decreases and increases resulting from the final field measurements and quantities,

involving a net increase in the amount of Seven Thousand Eight Hundred Forty-Four and 15/100 Dollars (\$7,844.15), all as more particularly set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, schmidt, Schomburg, Stier, Talarico
Nays: None
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-136-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-32

SPECIAL ORDINANCE NO. S-137-82

AN ORDINANCE approving Change Order
No. 3 and Final, Resolution No. 310-80,
Phase II, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 and Final, Resolution No. 31080, Phase II, with Busch, Inc., Contractor, in connection with the Board of Public Works, for:

decreases and increases resulting from the
final field measurements and quantities,

involving a net decrease in the amount of One Hundred Seven Thousand Two Hundred Sixty-Nine and 75/100 Dollars (\$107,269.75) all as more particularly set out in the specifications, which are on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-137-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-33

SPECIAL ORDINANCE NO. S-138-82

AN ORDINANCE approving Change Order No. 6,
Resolution NO. 310-80, Phase I, St. Joe
Interceptor Interconnect, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FOR WAYNE, INDIANA:

SECTION 1. That Change Order No. 6, Resolution No. 310-80, Phase I, St. Joe Interceptor Interconnect with Rocco Ferrera & Co., Inc., Contractor, in connection with the Board of Public Works, for:

the removal of more curbing, more utility relocations, more sidewalks removed and replaced, the removal and replacement of more wingwalks, adjustment of pavement surfaces, and adjustment to private drives,

involving a net increase in the amount of Twenty-Nine Thousand Two Hundred Eighty-Eight and 75/100 Dollars (\$29,288.75), all as more particularly set forth in the specifications, which are on file in the office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-138-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-34

SPECIAL ORDINANCE NO. S-139-82

AN ORDINANCE approving Change Order
No. 7, Resolution No. 310-80, Phase I,
St. Joe Interceptor Interconnect, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 7, Resolution No. 310-80, Phase I, St. Joe Interceptor Interconnect with Rocco Ferrera & Co., Inc., Contractor, in connection with the Board of Public Works, for:

additional soil borings, the increase in dewatering due to the tremendous amount
of

ground water, the removal of
more pavement necessitated by
fluid ground conditions, and more
utility relocations,

involving a net increase in the amount of Sixty-Four Thousand Sixty-One and No/100 Dollars (\$64,061.00), all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-139-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-35

SPECIAL ORDINANCE NO. S-140-82

AN ORDINANCE approving Change Order No. 8
Resolution No. 310-80, Phase 1,
St. Joe Interceptor Interconnect, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 8, Resolution No. 31080, Phase 1, St. Joe Interceptor Interconnect with Rocco Ferrera & Co., Inc., Contractor, in connection with the Board of Public Works, for:

the unstable ground conditions that were not originally anticipated which caused greater amounts of existing utilities to be relocated than originally estimated and the need for new castings,

involving a net increase in the amount of Twenty Thousand Six Hundred Twenty-Two and No/100 Dollars (\$20,622.00) all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-140-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of

August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-36

SPECIAL ORDINANCE NO. S-141-82

AN ORDINANCE approving a contract with
T-G Excavating, Inc. for the
Water Pollution Control Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated June 16, 1982 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and T-G Excavating, Inc. for:

the Water Pollution Control Department contract No. 357-82, Berry/Begue Streets, Federal Emergency Management Agency Damage Survey Report No. 047070, 60 inch combination sewer repair project to correct an emergency situation,

for the total cost of Two Hundred Thirty Thousand Eight Hundred Fifty-Nine and 20/100 Dollars (\$230,859.20), all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilman

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-141-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-37

SPECIAL ORDINANCE NO. S-142-82

AN ORDINANCE approving Civil City
Purchase Order No. A-18284 with
Neenah Foundry Company for the
Street Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-18284 dated July 6, 1982, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Neenah Foundry Company for the purchase of 85 + Storm Sewer Castings with type "L" grate for the Street Engineering Department, at a cost of Ten Thousand Two Hundred and No/100 Dollars (\$10,200.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, be and the same is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-142-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-38

SPECIAL ORDINANCE NO. S-143-82

AN ORDINANCE approving Change Order
No. 5 and Final, Resolution No. 334-80.
Trier Ditch, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 and Final, Resolution No. 334-80, Trier Ditch,

with Busch, Inc., Contractor, in connection with the Board of Public Works, for:

decreases and increases resulting from the final
field measurements and quantities

involving a net decrease in the amount of nine Thousand Eight Hundred Eighteen and No/100 Dollars (\$9,818.00), all as more particularly set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, be and the same are hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-143-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-25

SPECIAL ORDINANCE NO. S-144-82

AN ORDINANCE amending Chapter 18
of the Municipal Code of the City
of Fort Wayne of 1974 by adding
certain Sections thereto on child
exploitation

WHEREAS, the United States Supreme Court has recently recognized that the exploitive use of children in pornography has become a serious national problem; and

WHEREAS, the production and distribution of films, photographs, and other materials depicting sexual activity by children have been recognized to be intrinsically related to the sexual abuse of children; and

WHEREAS, the City of Fort Wayne has a compelling governmental interest in safeguarding the physical and psychological health and well-being of its children; and

WHEREAS, the United States Supreme Court has expressly recognized that the most expeditious, if not the only practical, method to control and regulate the market for such films, photographs, and other materials is to impose penalties for the production, selling, advertising, or other promotion of such products; and

WHEREAS, the City of Fort Wayne strongly desires to prevent the distribution, promotion, exhibition, sale, publication, dissemination, or advertisement of such films, photographs, and other materials within its jurisdiction.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 18 of the Municipal Code of the City of Fort Wayne of 1974 is hereby amended by adding thereto the following Sections:

A. Definitions.

As used herein, the following definitions shall apply:

- 1.) "Child" means any person under sixteen (16) years of age;
- 2.) "Deviate sexual conduct" means an act of sexual stimulation or gratification involving a sex organ of one person and the mouth or anus of another person;
- 3.) "Intentionally" means the desire or conscious objective to engage in specific conduct;
- 4.) "Knowingly" means having sufficient facts and circumstances in one's possession that one is or should be aware of the character or content of a performance;
- 5.) "Performance" means any play, motion picture, photograph, dance, video tape, slide, or any other photographic presentation exhibited before an audience or to the public;
- 6.) "Promote" means to create, produce, direct, procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, transmit, broadcast, distribute, circulate, disseminate, present, exhibit, or advertise, or offer or agree to do the same;
- 7.) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual conduct, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals;
- 8.) "Sexual performance" means any performance or part thereof which includes sexual conduct by or involving a child less than sixteen (16) years of age;
- 9.) "Simulated" means to explicit depiction of any conduct set forth in the definition of sexual conduct in this Ordinance, which creates the appearance of sexual conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks;
- 10.) "Sado-masochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

B. Prohibited Conduct.

It shall be unlawful for any person to:

- 1.) Knowingly or intentionally promote a sexual performance;
- 2.) Knowingly or intentionally employ, authorize, induce, or cause a child to engage in or participate in a sexual performance;
- 3.) Being a parent, legal guardian, custodian, or other person legally charged with the care or custody of a child, knowingly or intentionally permit, consent to or otherwise authorize or allow a child to participate in a sexual performance;
- 4.) Knowingly or intentionally possess, with intent to promote, any sexual performance.

C. Severability of Provisions.

If any provision or clause of this Ordinance or its application to any person or circumstance, is held or declared to be invalid, void, or unconstitutional, such declaration or holding shall not affect other provisions or applications of this Ordinance, and to this end, the provisions of each Section herein are declared to be severable.

D. Penalty

A person who violates the provision of this Ordinance will, upon conviction, be fined not

more than Two Thousand Five Hundred and No/100 Dollars (\$2,500.00).

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and the legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
One Vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-144-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-07-27

GENERAL ORDINANCE NO. G-18-82

AN ORDINANCE pertaining to a moratorium on establishment of certain places for the exhibition of films or the dissemination of printed or written material, pictures, drawings, photographs, motion pictures and other representations

WHEREAS, several establishments have been located in areas throughout the City of Fort Wayne, Indiana, for the exhibition of films or the distribution of books, magazines, newspapers, or printed or written material, pictures, drawings, recordings, transcripts, mechanical, chemical or electrical reproductions which are sexually oriented and are designated by such establishments as being for adult persons over the age of 18 years; and,

WHEREAS, the proximity of such establishments to residential districts, schools, churches and other places, areas and districts may be injurious to the public health, safety, comfort, morals, convenience and general public welfare; and,

WHEREAS the City of Fort Wayne is in need of new commercial and industrial development in order to provide employment for its citizens; and,

WHEREAS, the Common Council has reason to believe and wishes to further investigate the premise that the existence of such establishments is deleterious to the attraction of substantial new commerce and industry to the community;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That for three years from and after the effective date of this Ordinance, whichever shall first occur, the Community Development and Planning Department of the City of Fort Wayne shall not issue any improvement location permits or occupancy permits for the construction or alteration of establishments for the exhibition of films or the distribution of books, magazines, newspapers, or other printed or written materials, pictures, drawings, photographs, motion pictures or other pictorial representations, statues, or other figures, recordings, transcripts, mechanical, chemical or electrical reproductions where it appears that the stock in trade of such establishment will consist principally of sexually-oriented material, or, in the case of theatres, that the usual fare will consist of sexually-oriented films, commonly designated as "X"-rated, or "triple-X" films.

SECTION 2. That the City Controller of the City of Fort Wayne, Indiana, shall not issue permits or licenses that will in any way directly or indirectly violate any provisions of Section 1 hereof, nor will the Building Department issue an occupancy permit.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any Court, it shall be conclusively premised that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part of provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-18-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-08-04

RESOLUTION NO. R-44-82

A Resolution on the death of Councilman
John Nuckols

Death has taken from us a member of our Common Council.

John Nuckols has been a member of this body for almost 23 years. During that period he has been its president three (3) times.

He has served on all the major committees of the Common Council.

He not only represented the 1st District of the City of Fort Wayne but also spoke out for all minorities throughout this city.

During his long tenure he learned and practiced the art of fighting for what he considered the right.

He was indeed a champion of social justice. Once engaged in a conflict he zealously fought the battle. By so doing, he has monumented himself far beyond any words we could here express.

BE IT RESOLVED by the Common Council of the City of Fort Wayne that this body expresses its profound regret on the passing of one of its members.

BE IT FURTHER RESOLVED that this resolution be spread of record and entered on the permanent records of this council and that a copy of this resolution be conveyed to his widow and family.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico

Nays: None

One vacant

Date: 8-10-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-44-82 on the 10th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 13th day of August, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-07-16 (as amended)

SPECIAL ORDINANCE NO. S-145-82

AN ORDINANCE fixing the compensation of
elected officers of the City of Fort
Wayne, Indiana for the year 1983

WHEREAS, the Common Council of the City of Fort Wayne is required to pass an Ordinance specifically fixing the salaries of City elected officers in accordance with the provisions of I.C. 36-4-7-2; and

WHEREAS, funds for such salaries are to be provided from the 1983 City Budget and other sources, as specified by the Common Council.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following elected officers of the City of Fort Wayne, Indiana shall be compensated at the rates indicated herein for the year 1983:

Mayor of the City of Fort Wayne, Indiana	\$32,960.00
Members of the Common Council of the City of Fort Wayne, Indiana	8,000.00
Clerk of the City of Fort Wayne, Indiana	23,690.00

SECTION 2. That the compensation herein referred to represents and reflects a general increase of three percent (3%), which was the average increase granted for the year 1983 for non-elected and non-represented employees of Civil City and City Utilities for the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be published in accordance with the provisions of I.C. 36-4-7-2, and specifically thirty (30) days prior to final passage hereof, and furthermore, this Ordinance must be published twice, in accordance with the provisions of I.C. 5-3-1-2.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and due publication thereof.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg,
Stier, Talarico

Nays: One
Burns

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-145-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-03

SPEICAL ORDINANCE NO. S-146-82

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE
BONDS, SERIES 1982 (ROY M. WIELAND PROJECT)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the Roy M. Wieland Project regarding the financing of proposed economic development facilities for Roy M. Wieland, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on August 5, 1982, and also adopted a resolution on August 5, 1982, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for Roy M. Wieland complies with the purposes and provisions of I.C. 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creation or retention of a significant number of jobs;
- d. The project being financed would not be undertaken without tax exempt financing; and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, Guaranty Agreement, Note, Series 1982 Bond, Lessee's Consent and Agreement to Lease Assignment, and Collateral Assignment of Lease and Rentals; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. IT is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Indenture of Trust, approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, the loan of the proceeds of the revenue bonds to Roy M. Wieland for the acquisition and construction of such facilities and the equipping thereof, the lease of said facilities to R.M. Wieland Furniture Co., Inc. pursuant to the Lease, the guaranteeing of payments on the Note by Roy M. Wieland and Margaret L. Wieland pursuant to the Guaranty Agreement, and the securing of said Bond by the mortgaging of the land and building included in the project to the City of Fort Wayne, and to Lincoln National Bank and Trust Company of Fort Wayne as Trustee, under the Loan Agreement, Mortgage and Indenture of Trust, which Loan Agreement, Mortgage and Indenture of Trust are assigned, transferred and pledged to the Trustee pursuant to the Mortgage and Indenture of Trust, complies with the provision of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs; and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Loan Agreement, Mortgage and Indenture of Trust, Guaranty Agreement, Note, Series 1982 Bond, Lessee's Consent and Agreement to Lease Assignment, and Collateral Assignment of Lease and Rentals, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-5-4 two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 4. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1982 (Roy M. Wieland Project), in the total principal amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) and maturing December 1, 1992, for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Indenture of Trust, incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the note

payments made by Roy M. Wieland under the Loan Agreement, Mortgage and Indenture of Trust, and Note, which payments are to be paid by R.M. Wieland Furniture Co., Inc., under the terms of the Lease, and, if necessary, from the guarantee of Roy M. Wieland and Margaret L. Wieland under the Guaranty Agreement or as otherwise provided in the above described documents. The Bond is issued in a fully registered form in the principal sum of \$250,000.00, may be assigned and transferred pursuant to the Mortgage and Indenture of Trust; payments of principal and interest are payable in lawful money of the United States of America in immediately available funds to the Trustee; the bond is subject to redemption as provided in Article 3 of the Mortgage and Indenture of Trust. The Bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 5. The Mayor, Clerk, and Controller are authorized and directed to sell such bond to the purchaser thereof at a rate of interest per annum on the Bond of 70% of the prime lending rate of Lincoln National Bank and Trust Company of Fort Wayne, as such rate changes from day to day, and at a price not less than 100% of the principal amount thereof.

SECTION 6. The Mayor, Clerk, and if necessary, the Controller, are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and Clerk on the Bond may be either manual or facsimile signature. The Clerk is authorized to arrange for delivery of such Bond to the Trustee named in the Trust Indenture, payment for the Bond will be made to the Trustee named in the Trust Indenture, and after such payment the Bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the Bond to the Trustee within ninety days of the adoption of this Ordinance. The Bond shall be dated as of the date of delivery.

SECTION 7. The provisions of this Ordinance and the Trust Indenture securing the Bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revneue Bond (Roy M. Wieland Project), and after the issuance of said Bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-146-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-05

SPECIAL ORDINANCE NO. S-147-82

AN ORDINANCE approving an amendment to the presently existing Agreement by and between the City of Fort Wayne and Gibson, Tourney, Kim, Inc., for architectural services and amending an Ordinance approving and authorizing the execution of an Interlocal Cooperation Agreement by and between the City of Fort Wayne, Indiana and the Fort Wayne Public Transportation Corporation (P.T.C.)

WHEREAS, the City of Fort Wayne, Indiana has entered into an Agreement dated November 24, 1980, with Gibson, Tourney, Kim, Inc., said Agreement being approved by Council by the passage of an Ordinance;

WHEREAS, said Agreement provides for the architectural design, planning and engineering for Civic Center Phase II Parking Garage to be located in Block III of the Fort Wayne Redevelopment Commission's Civic Center Renewal Project at a total cost of \$192,000.00;

WHEREAS, said project has been expanded to include restroom and bus waiting facilities which will require additional services and additional expenses;

WHEREAS, the City has adopted an Ordinance approving an Interlocal Cooperation Agreement between the City and the P.T.C. concerning numerous developments including the Parking Garage; and

WHEREAS, it is necessary in order to obtain favorable bond counsel opinion to amend and modify said Interlocal Cooperation Agreement by providing for all of the revenues of the Parking Garage be used for retirement of the general obligation bond issue of the P.T.C.;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The plans and specifications for the Civic Center Phase II Parking Garage are hereby authorized to be amended to include public restroom and bus waiting facilities at a cost of \$40,000.00 which cost shall include additional architectural and engineering expenses of \$8,000.00.

SECTION 2. The attached amended Interlocal Cooperation Agreement between the City of Fort Wayne and the P.T.C. is, in all things and respects, approved and ratified. Two copies of such amended agreement shall be placed on file with the City Clerk's Office and made available for public inspection.

SECTION 3. That the Mayor of Fort Wayne, Indiana is hereby given approval and authorized to execute the amended Agreement between the City of Fort Wayne and the P.T.C. and cause same to be recorded pursuant to I.C. 36-1-7-6.

SECTION 4. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor and upon due publication.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Eisbart, GiaQuinta, Scruggs, Schomburg, Stier, Talarico
Nays: One
Burns
Abstained: One
Schmidt

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-147-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-06

SPECIAL ORDINANCE NO. S-148-82

AN ORDINANCE authorizing the acquisition
of real estate in Fairmount Place

WHEREAS, Fairmount Place, a designated neighborhood strategy area in the Community Development Block Grant Program, was severely damaged from the flooding of the St. Mary's River to the extent that Planned Housing Rehabilitation of properties is now economically infeasible; and

WHEREAS, purchase of these properties by the City of Fort Wayne will aid in the future control of flooding in the City and will be beneficial to the health and welfare of the citizens of the City of Fort Wayne.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne is hereby authorized, without further approval of the Common Council of the City of Fort Wayne, to purchase any of the residential properties bordering the street Fairmount Place, from Wells Street on the east to Indiana Head Truck Lines on the west, provided that the purchase price of any property shall not exceed the appraised value of said property.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
Bradbury, Eisbart, GiaQuinta, Scruggs, Talarico
Nays: Four
Burns, Schmidt, Schomburg, Stier

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-148-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-08-15

RESOLUTION NO. R-45-82

A RESOLUTION authorizing the
transfer of funds from Account Number
120-120-OFFC-4429 "Capitalized Lease Payments"
t various accounts within the Aviation Department

WHEREAS, It has become necessary to transfer funds to various accounts within the 1982 Budget of the Aviation Deaprtment; and

WHEREAS, there are adequate funds existing in Account Number 120-120-OFFCE4429, "Capitalized Lease Payments", and which transfer has been recommended by the Controller of the City of Fort Wayne; and

WHEREAS, there exists a budget surplus in the capital account listed above and there is a need to transfer a portion of said surplus to various accounts, as listed, for the following reasons: 1) to compensate for higher insurance premiums; 2) to purchase necessary materials and supplies as required; and 3) to remodel entry way at the baggage claim area.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana is hereby authorized to transfer the sum of Fifty Seven Thousand and No/100 Dollars (\$57,000.00) from Account Number 120-120-OFFC-4429 "Capitalized Lease Payments" of the 1982 Budget of the Aviation Department, to the following accounts:

120-120-OFFC-4341 Property Insurance	\$ 8,000.00
120-120-OFFC-4342 Liability Insurance	7,000.00
120-120-OFFC-4200 Materials and Supplies	25,000.00
120-120-OFFC-4323 Construction Building	17,000.00

SECTION 2. That the unappropriated and unexpended balance of Account Number 120-120-OFFC- 4429 "Capitalized Lease Payments" is hereby reduced in the amount of Fifty Seven Thousand and No/100 Dollars (\$57,000.00).

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-45-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-08-16

RESOLUTION NO. R-46-82

A RESOLUTION authorizing the transfer of
funds from Account Number 101-017-OFFC-4365
"Laundry Service" to Account Number 010-017-OFFC-4138
"Clothing Allowance" in the 1982 Budget of the
Animal Control Department

WHEREAS, it has become necessary to transfer funds to Account Number 010107-OFFC-4138 "Clothing Allowance" in the 1982 Budget of the Animal Control Department for which adequate funds exist in Account Number 010-017-OFFC-4365 "Laundry Service", and which transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana is hereby authorized to transfer the sum of Two Thousand Nine Hundred Thirty-Five and No/100 Dollars (\$2,935.00) to Account Number 010-0127-OFFC-4138 "Clothing Allowance" of the 1982 Budget of the Animal Control Department.

SECTION 2. That the unappropriated and unexpended balance of Account Number 010-017-OFFC-4365 "Laundry Services" is hereby reduced in the amount of Two Thousand Nine Hundred Thirty-Five and No/100 Dollars (\$2,935.00).

SECTION 3. That Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs Schmidt, Schomburg, Stier,
Talarico
Nays: None

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-46-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-07-26

GENERAL ORDINANCE NO. G-19-82

AN ORDINANCE supplementing
General Ordinance No. G-14-81
by adding thereto Section 6-29

Section 1: Section 6 of the Code of the City of Fort Wayne, Indiana of 1974 is supplemented by adding thereto the following:

ARTICLE X

Section 6-29: PUBLIC SPAY AND NEUTER CLINIC

(a) Authority for Clinic and Fees

The Executive Director of the Shelter is hereby authorized and empowered to establish a clinic at which members of the public may have dogs and cats spayed or neutered in a humane manner upon payment of the following fees:

1. For spaying a female dog or cat....\$17.50
2. For neutering a male dog or cat....\$11.50

(b) Consent Form and Waiver.

Persons submitting dogs or cats for the above service shall sign a consent form certifying thereon under penalty of perjury that they are the owner of said animals or are otherwise authorized to present the animal for the above operation and such persons may be required to furnish proof of such ownership or authority.

Such consent shall contain a waiver of any and all liability of the City of Fort Wayne, Indiana Animal Control Commission and any City employees for any injury or death to an animal arising out of the aforementioned operation or any services provided incidental thereto.

(c) Board and Care Charge.

The Animal Control Commission shall establish a return date by which persons submitting animals for the above operation shall pick up said animals or be subject to a reasonable board and care fee to commence the day after such return date.

Failure to pick up an animal within 72 hours of said return date shall be deemed abandonment of such animal and the Executive Director of the Shelter may dispose of it by placement or destruction.

Section 6-30: This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication or legal posting thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Stier, Talarico
Nays: Two
Schmidt, Schomburg

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-08-17 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-20-82 (as amended)

AN ORDINANCE providing for membership
in sanitary officers' pension fund affecting
those persons designated sanitary officers,
special sanitary officers and inspectors of
the City-County Health Board before
April 1, 1982

WHEREAS, pursuant to IC 36-1-3-6 setting forth the policy of the State of Indiana regarding local affairs of municipalities there shall be transferred to appropriate authorities jurisdiction over certain local matters which before the 1982 session of the General Assembly of Indiana had been state statutory concern; and

WHEREAS, one of said matters pertains to the regulation of pensions of Sanitary Officers, Special Sanitary Officers and Inspectors of the City-County Board of Public Health of the City of Fort Wayne, Indiana, which Sanitary Officers, Special Sanitary Officers and Inspectors were members of the Sanitary Officers and Inspectors' pension fund before April 1, 1982; and

WHEREAS, all of the provisions of IC 18-6-25 et. seq. must be incorporated in an ordinance adopted by the City of Fort Wayne prior to September 1, 1982; and

WHEREAS, pursuant to IC 13-7-19-4, IC 13-7-19-5 and IC 13-7-19-6 the rights and privileges of Sanitary Officers, Special Sanitary Officers and Inspectors of the City-County Board of Public Health are not to be less than those rights and privileges provided for police officers of second class cities hired before May 1, 1977, provided under IC 36-8-6; and

WHEREAS, all of the Sanitary Officers, Special Sanitary Officers and Inspectors' pension rights, powers and privileges are to be prescribed by an ordinance adopted by the City of Fort Wayne before September 1, 1982.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana that all of the provisions of IC 18-6-25 be enacted by the City of Fort Wayne, Indiana;

NOW THEREFORE, BE IT FURTHER ORDAINED that this ordinance shall not be amended or repealed in any manner that would provide pension benefits for those persons designated as Sanitary Officers, Special Sanitary Officers or Inspectors before April 1, 1982, below the benefits provided under IC 36-8-6 for police officers of second class cities hired May 1, 1977.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, giaQuinta, Scruggs, Schmidt, Schomburg, Stier,
Talarico

Nays: None

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-2082 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-06-03 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-21-82

AN ORDINANCE amending Chapter 33 of
the Municipal Code of the City of
Fort Wayne, Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 33-2 is amended by deleting (ss) and (tt) and replacing them with the following:

- (ss) MANUFACTURED HOME - means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 1974).
- (tt) MANUFACTURED HOME (TYPE I) - means a manufactured home that satisfies the following criteria.
 - a. the home has more than nine hundred fifty (950) square feet of occupied space in a double-section of larger multi-section unit;
 - b. the home is attached and anchored to a permanent foundation in conformance with the regulations of the One and Two Family Dwelling Code and with the manufacturer's installation specifications;
 - c. the home has a permanent perimeter enclosure in accordance with approved installation standards;
 - d. the home has its wheels, axles and hitch mechanisms removed;
 - e. the home has utilities connected in conformance with the One and Two Family Dwelling Code and with the manufacturer's installation specifications;
 - f. the home has siding and roofing material of a type customarily used as a part of on-site constructed residences; and
 - g. the home was constructed after January 1, 1981.

Section 33-13 is amended by adding the following:

- h. In R-1, R-2, R-3, R-A and R-B districts, the Board may permit, a Manufactured Home (Type I) as long as the number of families living in such a home does not exceed the number permitted in the district. In granting the special use the Board shall determine that the proposed Type I manufactured home:
- (i) is compatible with the existing housing pattern in the immediate area with regard to density, placement on the lot, geometric form, and bulk;
 - (ii) is constructed of roofing and siding materials compatible with the neighborhood.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Talarico
Nays: Two
Schmidt, Stier
Abstained: One
Scruggs

Date: 8-24-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-21-82 on the 24th day of August, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-06-27

SPECIAL ORDINANCE NO. S-149-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-010773 with
Westvaco US Envelopes for the Office
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-010773 between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and Westvaco US Envelopes for:

the purchase of envelopes for the Office
Services Department,

at a total cost of Twelve Thousand and No/100 (\$12,000.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Talarico
Nays: None
Absent: One
Stier

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-149-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-11

SPECIAL ORDINANCE NO. S-150-82

AN ORDINANCE approving Change Order
No. 3, Resolution No. 314-80, Phase I,
St. Joe Study Area, Hollywood Gardens,
Federal Grant No. C-180599-06, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, Resolution NO. 314-80, Phase I, St. Joe Study Area, Hollywood Gardens, Federal Grant No. C-180599-06, with Earth Construction and Engineering, Inc., in connection with the Board of Public Works, for:

chip and seal surface of Windsor Road that the Engineering Department was not aware existed. Because sewer construction was three feet off centerline of existing pavement and lost more than half of the existing concrete pavement it became necessary to reconstruct the street than originally planned,

involving a net increase in the amount of Thirty Six Thousand Two Hundred NinetyFive and No/100 Dollars (\$36,295.00) as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Talarico

Nays: None

Absent: One

Stier

Date: 8-24-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-150-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-20-03-⁸² 12

GENERAL ORDINANCE NO. G 22-82

AN ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne, Indiana of 1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort Wayne of 1974 is hereby amended to be and read as follows, to-wit:

(CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974)

CHAPTER 24

SEWERS AND SEWERAGE SYSTEM

Article I. General

Sec. 24-1. Definitions.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Chapter and as used in the rules and regulations adopted by the Board of Public Works implementing the provisions of this Chapter are as set out below respectively:

-101. "Act": the Federal Water Pollution Control Act, also known as "The Clean Water Act," as amended, 33 U.S.C. 466, as referred to at I.C. 13-1-4-1.

-102. "Biochemical Oxygen Demand" (for BOD) of sewage, sewage effluent, polluted waters or industrial wastes: the quantity of dissolved oxygen in milligrams per liter required during

stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 136 below).

-103. "Building (or House) Drain": that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.

-104. "Building (or House) Drain Connection": the point where the building (or House) sewer is connected to the building drain at a location usually approximately three (3) feet outside the foundation wall of the building.

-105. "Building (or House) Sewer Connection": the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

a. Where a break-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the joint shall be considered a part of the building sewer;

b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.

-106. "Building (or House) Sewer": the pipe which is connected to the building (or House) drain at a point outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.

-107. "Bulk Wastes": any containerized waste which may be transported.

-108. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes: a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

-109. "City": the City of Fort Wayne, Indiana.

-110. "Classification of Users":

110.1 "Domestic Class User": a user discharging normal domestic sewage, as hereinafter defined, into the system.

110.2 "Industrial Class User": any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as currently amended and supplemented, a copy of which is on file in the Office of the Sewer Engineer. A user described in the

divisions listed therein may be excluded if it is determined by the City that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

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11 -111. "Dwelling": a building or a portion thereof under one roof
12 used primarily for the abode of one or more persons, but not
13 including hotels, motels, lodging or boarding houses or
14 tourist homes.

15
16 -112. "Effluent": the water, together with any wastes that may be
17 present, flowing out of a drain, sewer receptacle or outlet.

18
19 -113. "Emergency": an unforeseen combination of circumstances or a
20 combination of unforeseen circumstances which require an immediate
21 remedy. Said emergency shall be declared by the Common
22 Council and shall be limited to a specific time period.

23
24 -114. "Garbage": any solid wastes from the preparation, cooking or
25 dispensing of food and from the handling, storage or sale of
26 produce.

27
28 -115. "Ground Garbage": garbage that is shredded to such a degree
29 that all particles will be carried freely in suspension under
30 the conditions normally prevailing in public sewers, with no
31 particle being greater than one-half inch in any dimension.

3
4 -116. "Industrial Wastes": any solid, liquid or gaseous substance
5 or form of energy discharged, permitted to flow or escape from
6 an industrial, manufacturing, commercial or business operation
7 or process or from the development, recovery or processing of
8 any natural resource carried on by any person.

9
10 -117. "Influent": the water, together with any wastes that may be
11 present, flowing into a drain, sewer, receptacle or outlet.

12
13 -118. "Major Industrial User": a user of the city-owned treatment
14 works that: (a) has a flow of 50,000 gallons of water or more
15 per average work day; (b) has a flow of waste greater than 5%
16 of the flow carried by the part of the city system receiving
17 the waste; (c) has in its waste, a toxic pollutant in amounts
18 as defined in standards issued under Section 307(a) of the
19 Federal Act; or (d) is found by the Indiana Stream Pollution
20 Control Board, in connection with the issuance of the NPDES
21 Permit to the city-owned treatment works receiving the waste,
22 to have significant impact whether singularly or in combination
23 with other contributing industries, on that treatment
24 works or upon the quality of effluent from that treatment
25 works.

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27 -119. "Normal Domestic Sewage": (for the purpose of determining
28 eligibility for payment of surcharge): sewage having an average
29 daily suspended solids concentration of not more than 250
30 milligrams per liter, an average daily BOD of not more than
31 220 milligrams per liter, and an average daily phosphorus
concentration of not more than 10 milligrams per liter.

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- 120. "NPDES Permit": a National Pollutant Discharge Elimination System Permit issued by the Indiana Stream Pollution Control Board for Discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.
- 121. "Operation and Maintenance Costs": all costs direct and indirect, other than debt service including replacement cost as defined in paragraph 126, necessary to insure adequate waste water treatment on a continuing basis conforming with federal, state and local requirements and to insure optimal long-term facilities management.
- 122. "Outlet": any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any water-course, pond, ditch, lake or other body of surface or ground water.
- 123. "Person": every individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency and other legal unit or entity.
- 124. "pH": the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in grams per liter of solution.
- 125. "Pollutants":
125.1 "Compatible Pollutants": waste containing biochemical oxygen demand, suspended solids pH and fecal coliform bacteria.
125.2 "Incompatible Pollutants": waste with any pollutant that is not a compatible pollutant.
- 126. "Receiving Stream": the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
- 127. "Replacement Cost": that cost stated in current monetary values as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.
- 128. "Sanitary Sewage": sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels and hotels, lodging or boarding houses, office buildings, factories or institutions and free from storm waters, surface water and industrial wastes.
- 129. "Service Charge": the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values for above which a strength-of-wastes surcharge will be made.
- 130. "Sewage": the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
- 131. "Sewage Treatment Plant" or "Water Pollution Control Plant": the arrangement of devices, structures and equipment used for
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- treating and disposing of sewage and sludge.
- 132. "Sewage Utility" or "Water Pollution Control Works": all facilities and systems for collecting, transporting, pumping, treating and disposing of sewage and sludge, including the sewerage system and the sewage treatment plant, whether or not in active use.
- 133. "Sewer": a pipe or conduit for carrying sewage and other waste liquids.
- 133.1 "Combined Sewer" or "Combination Sewer": a sewer which carries storm, surface and groundwater runoff as well as sewage.
- 133.2 "Public Sewer": a sewer to the use of which all owners of abutting property have equal rights and which is controlled and maintained by the City or other public authority.
- 133.3 "Sanitary Sewer": a sewer which carries sewage and to which storm, surface and groundwaters and unpolluted industrial waste waters are not intentionally admitted.
- 133.4 "Storm Sewer": a sewer which carries storm, surface and groundwater drainage but excludes sewage.
- 134. "Sewer Engineer": the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."
- 135. "Sewerage System": the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
- 136. "Shall" means mandatory; "may" means permissible.
- 137. "Standard Methods": the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent.
- 138. "Strength-of-Wastes Surcharge": the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this Chapter.
- 139. "Superintendent": the Superintendent of the Sewage Treatment Plant (Water Pollution Control Plant) of the City, or his duly authorized representative.
- 140. "Suspended Solids": solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in "Standard Methods."
- 141. "Waste Surveillance Charge": a monthly charge collected from

users qualifying as industrial class users to defray the cost of evaluating customer's waste by metering and laboratory devices and/or any other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 24-32.

-142. "Watercourse": a channel in which a flow of water occurs either continuously or intermittently.

Sec. 24-2. Rules and Regulations - Board of Works Authority:

The Board of Public Works of the City shall, in accordance with the Statutes of Indiana, and subject to the provisions and requirements of this Chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Utility, for the construction and use of sewers, building sewers, and appurtenances and connections to the sewerage system; for the regulation, collection and refunding of the rates and charges for sewerage service; and for the implementation of the provisions of this Chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

(a) No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from city and until he has satisfied his obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded, nor estop the City from charging and collecting such costs at any subsequent time.

(b) Tap permits shall be obtained from the City's Sewer Permit Office and shall be issued only to licensed sewer tap contractors, who

shall pay to the Sewage Utility a fee of thirty-five (\$35.00) dollars for each tap permit for a standard six-inch service, a fee of seventy (\$70.00) dollars for each tap permit for a special six-inch service and a fee of seventy (\$70.00) dollars for each tap permit for a service larger than six inches. Not later than 48 hours after making each sewer tap and building the sewer installation, the tap contractor shall notify the Sewer Engineer thereof in writing.

(c) The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains or other drains which carry the runoff of natural precipitation from a building sewer which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.

(d) A new connection may be made for a city sewer or sewers connected to the city system only after there has been adequate assurance by City that the downstream facilities of the sewage works have adequate capacity to handle the new waste loadings.

(e) No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly, to a sanitary sewer of the City.

Sec. 24-4. Extensions of Sewers Outside Corporate Limits.

The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Common Council of the City by duly enacted ordinance, provided that an ordinance ratifying a con-

tract for such construction and connection, shall be deemed to constitute such approval.

Sec. 24-5. Connections to Sewerage System by Certain Out-Of-City Properties.

Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, when the property abuts, adjoins or is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Sec. 24-3 of this Chapter.

Sec. 24-6. Penalty for Violations.

Any person who violates or fails to comply with any provision of this Chapter shall, upon conviction thereof, be fined not less than \$100.00 nor more than \$500.00 per offense. Each day that the violation continues shall constitute a separate offense.

Sec. 24-7. Enforcement.

The provisions of this Chapter shall be enforced by the Superintendent of the Water Pollution Control Plant and such deputies as he, with the approval of the Board of Works, may appoint for such purposes. Whenever said Superintendent or any such deputy shall deem it appropriate to charge a person with violation of this Chapter, he shall issue to such person a Notice of Violation, or Summons, which shall be processed according to the provisions in Indiana Code (1971) 18-5-12.5-1 thru 4.

Sec. 24-8. Prohibited Damage to City Property.

It shall be unlawful for any unauthorized person, firm, or corporation to maliciously, willfully, or negligently break, damage, destroy, remove,

deface, or tamper with any structure, appurtenance, or equipment which is part of or belongs to the Water Pollution Control Plant of the City.

Article II. Prohibited Industrial Discharges

Sec. 24-9. Prohibitions and Limitations.

Except as hereinafter provided, no person shall discharge or cause or permit to be discharged into any public sewer any of the following described substances, wastes or waters:

- 101. Any liquid or vapor having a temperature greater than 140° Fahrenheit.
- 102. Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 103. Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 104. Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 105. Any garbage that has not been properly ground.
- 106. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interior-

ence with the proper operation of the sewerage system or the Sewage Treatment Plant.

-107. Any waters or wastes having a pH lower than 6 or higher than 10, or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.

-108. Any waters or wastes containing toxic substances, as defined under Section 307(b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.

-109. Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in Rules and Regulations.

-110. Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the user's sewage discharged during a twenty-four hour period of normal operation.

-111. Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.

-112. Any waters or wastes containing incompatible pollutants as defined herein.

-113. Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Water Pollution Control Plant, that will pass through the plant into the receiving waters, or accumulate in the sludges in an amount exceeding the standards set forth by any federal, state, interstate or other competent authority having jurisdiction. Specifically excluded are any waters or wastes containing toxic ions, compounds or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the General Rules and Regulations.

-114. Any bulk waste, either industrial or domestic, without prior approval, in writing, from the Superintendent.

-115. The City reserves the right to refuse connection of any prospective user in the event the sewage service requirements of said user, in the judgement of the Superintendent could impose an excessive burden upon the utility. The City further reserves the right in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of such emergency.

3 Sec. 24-10. Responsibility for Obstructing or Damaging Sewers.

4 If a public sewer becomes obstructed or damaged because any of the aforemen-
5 tioned substances were improperly discharged, the person or persons respon-
6 sible for such discharge shall reimburse the City for the expenses incurred
7 by the City for cleaning out, repairing or rebuilding the sewer.

8
9 Sec. 24-11. Special Agreements.

10 Notwithstanding any other provisions of this Chapter, the City may enter into
11 a special agreement or arrangement between the City and any person whereby an
12 industrial waste of unusual strength or character may be accepted by the City
13 for treatment either with or without pretreatment, provided there is no
14 impairment of the functioning of the Sewage Utility by reason of the admis-
15 sion of such wastes and no extra costs are incurred by the City without
16 recompense by such person.

17
18 Article III. Permitted Commercial and Industrial Wastes

19
20 Sec. 24-12. Prior Approval for Certain Wastes.

21 Review and acceptance by the Superintendent shall be obtained prior to the
22 discharge into the public sewers by any industrial class customer of sewage
23 whose wastes have:

- 24
25 -101. A BOD greater than 300 milligrams per liter or COD greater
26 than 600 milligrams per liter when BOD cannot be measured or
27 when COD measurements result in a higher charge.
28
29 -102. A suspended solids content greater than 300 milligrams per
30 liter.
31
32 -103. A phosphorus content greater than 10 milligrams per liter.

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4 -104. Other contaminants which from their nature or quantity
5 (a) will interfere with the operation of the Sewage Utility,
6 including interference with its use or disposal of sludge;
7 (b) will pass through the treatment works or otherwise be
8 incompatible with such works; (c) will prevent the reclamation
9 and/or recycling of municipal or industrial wastewaters and
10 sludges.

11 Sec. 24-13. Pretreatment Facilities: - in General.

12 When, after making such a review, the Superintendent concludes that, before
13 the person discharges his wastes into the public sewers, he must modify or
14 eliminate those constituents which would be harmful to the structures,
15 processes or operations of the Sewage Utility or injurious to health, then
16 the person shall either modify his wastes at the point of origin or shall
17 provide and operate at his own expense such preliminary treatment or process-
18 ing facilities as may be determined to be necessary to render his wastes
19 acceptable for admission to the public sewers.

20
21 Sec. 24-14. Pretreatment Facilities: - Prior Approval.

22 Plans, specifications and any other pertinent information relating to pro-
23 posed preliminary treatment or processing facilities shall be submitted to
24 the City for examination and approval and no construction of such facilities
25 shall begin until the Superintendent, with the approval of the Board of
26 Public Works, has given his written approval. Such approval shall not exempt
27 the person from the obligation to make further reasonable adaptations of such
28 facilities when such adaptations prove necessary to secure the results
29 desired. The approval of proposed facilities or equipment by the City does
30 not, in any way, guarantee that these facilities or equipment will function
31 in the manner described by their constructor or manufacturer; nor shall it
32 relieve a person, firm or corporation of the responsibility of enlarging or
otherwise modifying such facilities to accomplish the intended purpose.

2 Sec. 24-15. Pretreatment Facilities: - Operation.

3 Where such preliminary treatment facilities are provided, they shall be main-
4 tained continuously in satisfactory and effective operating condition by the
5 person at his own expense and shall be subject to periodic inspection by the
6 City. The person shall maintain suitable operating records which shall be
7 reasonably open to inspection by the City, and shall submit to the Superin-
8 tendent such monthly summary reports of the character of the influent and
9 effluent as the Superintendent may require.
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12 Sec. 24-16. Grease and Sand Traps.

13 Whenever the Superintendent determines that the interceptors or traps are
14 needed to protect the sewerage system or the operations of the Sewage Treat-
15 ment Plant from grease, oil, sand or similar substances occurring in a user's
16 sewage and so notifies the user, then such traps shall be promptly installed
17 by the user on his own lines at his own expense and shall be so maintained by
18 him that none of such substance can be carried over into the public sewers.
19 All traps shall meet the City's standards as to construction, location and
20 installation.
21

22 Article IV. Control of Admissible Industrial Wastes

23
24 Sec. 24-17. Submission of Data on Industrial Wastes.

25 (a) Any person who discharges industrial wastes into the
26 City's sewerage system, either directly or indirectly, shall upon the written
27 request of the Superintendent forthwith fill out and file with the Superin-
28 tendent an Industrial Waste Questionnaire, the form for which will be fur-
29 nished by the City, in which he shall set out the quantity and characteris-
30 tics of the wastes discharged into the City's sewerage system. Any person
31 desiring to establish a new connection to a public sewer for the purpose of
32 discharging industrial wastes shall first fill out and file such a question-
33 naire, which shall set out actual or predicted data relating to the quantity

34 and characteristics of the wastes to be discharged.

35 (b) When special circumstances such as the size or complexity
36 of his sewage disposal problem would make complying with the time schedule
37 cited above an unreasonable burden on the person, an extension of time, not
38 to exceed ninety days, may be granted by the Superintendent upon presentation
39 of a proper application.
40

41 Sec. 24-18. Control Manholes.

42 Any person who discharges or may discharge industrial waste into a public
43 sewer via any means such as floor drains, sinks, catch basins, etc., shall be
44 required by the Superintendent to construct and maintain at his own expense
45 one or more control manholes, at a specified location or locations, to
46 facilitate the observation, measurement and sampling of his wastes. Such
47 manholes shall be constructed in accordance with the standards and specifica-
48 tions of the City. The Superintendent may also require the person to install
49 and maintain in any such manhole at said person's expense an approved volume-
50 measuring device providing said person may be classified as a major indus-
51 trial user. Plans for the installation of control manholes and related
52 equipment must be approved by the Superintendent before construction is
53 begun.
54

55 Sec. 24-19. Waste Sampling.

56 (a) Any industrial wastes discharged into the public sewers
57 shall be subject to periodic inspection and determination of character and
58 concentration. The examination shall be made as often as the Superintendent
59 deems it appropriate and may include the use of suitable continuously moni-
60 toring instruments in appropriate cases. Samples shall be collected either
61 manually or by approved mechanical devices and in such a manner as to be
62 representative of the overall composition of the wastes.

(b) The installation, operation, and maintenance of sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted at all times to the Superintendent.

(c) Where a person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person or persons shall make the necessary arrangements with their security guards that upon showing proper identification personnel from the City will be permitted to enter, without delay for the purpose of obtaining samples of wastes or monitoring of wastes being discharged at various sampling points or the person or persons shall install suitable sampling manholes outside of security limits, which at all times be immediately available to City personnel.

Sec. 24-20. Waste Analyses Procedures and Charges.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants," as set forth in the Code of Federal Regulations 40 CFR 136.

a) Charges to Users

Alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the User. In the event of a dispute between the Superintendent and the User as to the characteristic, strength, toxic nature or other particulars of the sample taken and analyzed by the City, either party may request that the sample in dispute be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Analyses made by the City at the request of the User, shall be charged to the User according to

the Utility's standard work order billing procedure. All such analyses shall be binding in determining strength-of-waste surcharges and other matters dependent upon the character and concentration of wastes.

b) Charges to Governmental Agencies

Analyses run by the Water Pollution Control Plant Laboratory for any governmental agency, or political sub-divisions of a City, County or State shall be billed to such agency or sub-division for direct labor and expenses according to the Utilities standard work order billing procedure. Analyses run for other agencies shall not have priority over the regular Water Pollution Control Plant analyses unless in the judgement of the Superintendent the urgency of the analysis should have such priority.

c) Charges Collected

All waste analysis charges collected under Section 24-20 (a) and (b) above shall be recorded as credits to the operating costs of the Water Pollution Control Plant and a quarterly accounting thereof shall be forwarded to the Superintendent. All such charges are to be used to defray the operations and maintenance expenses incurred by the Water Pollution Control Plant in performing said analyses.

Sec. 24-21. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article V. Service Charges Based on Water Usage.

Sec. 24-22. Water Obtained from the City's Water Utility

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-23. Water Obtained from Other Sources.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.

Sec. 24-24. Exempt Water - General

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or

actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-25. Metering of Sewage.

The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.

Sec. 24-26. Exempt Water Sprinkling.

A residential water consumer shall be billed for sewage service beginning with the billing of District 19 on or about July 1 and ending with the billing District 17 on or about October 1, as follows: The monthly sewage charge shall be the lesser of a charge based on the actual or estimated water consumption or a charge based on twice the consumer's average monthly consumption during the prior bi-monthly meter reading period. This bi-monthly period begins with the reading or estimating of District 19 on or about March 15. A new account without a bi-monthly meter reading period prior to the exempt water sprinkling period shall be billed the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the minimum sewage rate during the sprinkling period. A water consumer without an actual read at the end of the exempt water sprinkling period shall be allowed a sewer credit based on an average monthly usage as computed from the date of the Utilities' last actual read to the date of the Utilities' actual read made after the end of the exempt water sprinkling period. In no case, shall the sewage charge be less than the minimum for the water meter size installed. The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose.

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

- Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	18.74	18.74
Conveyance, Collection, Billing	18.23	11.88
Capital	<u>11.73</u>	<u>8.83</u>
Total User Charge	48.70	39.50

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27 does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.43
1 - 1 1/2"	8.58
2"	17.51
3"	35.13
4"	53.43
6" or larger	152.44

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.87	\$ 5.84
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	18.74
Capital Charge	<u>11.76</u>
	30.50

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

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(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.55 and a monthly surveillance charge of \$82.20.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contributes waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	Cents Per Pound
Suspended Solids - (SS)	3.931
Biochemical Oxygen Demand - (BOD)	3.926
Phosphorus - (P)	37.619

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into

by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204 (b) (1). Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - \$163.00 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$23.85 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in

proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-33. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in:

- a. Biochemical oxygen demand of 300 milligrams per liter.
- b. Chemical oxygen demand of 600 milligrams per liter.
- c. Suspended solids content of 300 milligrams per liter.
- d. Phosphorus content of 10 milligrams per liter.

Sec. 24-34. Computation of Surcharge.

The surcharge shall be determined as follows:

- a. The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first

multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this produce by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-33. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-35. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- | | | |
|----|---------------------------------------|---------------------------|
| a. | For biochemical oxygen demand - (BOD) | 3.931 cents
per pound |
| b. | For suspended solids (SS) | 3.926 cents
per pound |
| c. | For phosphorus (P) | 37.619 cents
per pound |

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$32.20 per discharge point.

Sec. 24-37. Revision of Rates of Surcharge.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges cur-

rently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

Article VIII. Billing of Service Charges

Sec. 24-38. Billing Period.

Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.

Sec. 24-39. Liability for Payment.

The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall not thereby be relieved of liability in the event payment is not made by the tenant as herein required but such owner shall save City harmless from any loss due to the delinquency of his said tenant. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid and the amount thereof.

Sec. 24-40. First Billings.

The rates, charges and surcharges fixed in this Chapter shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing

month in order to keep the sewerage billing periods coincident with the water billing periods.

Sec. 24-41. City Subject to Charges.

For sewerage service rendered to the City, or any department, structure or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-42. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Article IX. Delinquent Accounts

Sec. 24-43. How Delinquencies Arise.

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date shown shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.

Sec. 24-44. Collection Through Shutting Off Water Service.

Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, if iden-

tifiable, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.

Sec. 24-45. Collection Through the Tax Duplicate.

As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property serviced through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

Sec. 24-46. Collection Through Court Actions.

In addition to the foregoing remedies, the City has the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fees. It also has the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 24-45, with recovery of the charge, a penalty of ten percent and reasonable attorney's fees.

Article X. Accounting for Sewerage Service Charges

Sec. 24-47. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

SECTION 2. Severability. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the

validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

SECTION 3. All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne of 1974 in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and due legal publication thereof.

Paul M. Burns

COUNCIL MEMBER

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Six
 Bradbury, Burns, Eisbart, Schmidt, Schomburg, Talarico
 Nays: One
 GiaQuinta
 Abstained: One
 Scruggs
 Absent: One
 Stier

Date: 8-24-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-22-82 on the 24th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 25th day of August, 1982, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-82-08-32 AS AMENDED - AS AMENDED

GENERAL ORDINANCE NO. G- 23-82 AS AMENDED
 AS AMENDED

An ordinance implementing IC 36, enacting Home Rule, Confirming Pre-existing Powers of the City of Fort Wayne, Indiana, and Ordinances of said City and adopting Statutes of the State of Indiana incident thereto.

WHEREAS, the State of Indiana has enacted what is commonly called Home Rule for cities in the State of Indiana; and,

WHEREAS, by IC 36-1-3-2 it is the policy of the State of Indiana to grant to cities all powers they need for the effective operation of their government as to local affairs; and,

WHEREAS, under IC 36-1-3-4 the new rule of law is that the City has:

1. All powers granted it by statute; and,
2. All powers necessary or desirable in the conduct of its affairs, even though not granted by statute except those powers which are specifically withheld under IC 36-1-3-8; and,

WHEREAS, in order to more effectively operate under Home Rule it is necessary that not only shall there be this Ordinance enacted by the City of Fort Wayne, Indiana, with other ordinances enacted from time to time in the future, and to that end and purpose the provisions hereafter set forth be incorporated in an ordinance adopted by the City of Fort Wayne, Indiana, prior to September 1, 1982; and,

WHEREAS, the intent and purpose of this Ordinance shall further be to implement Home Rule and the inclusion of Indiana State Statutes (hereafter referred to in this Ordinance by IC designations) even though said IC designations may include wider scopes than absolutely necessary for particular ordinances, nevertheless, broad enough in purpose to allow the City of Fort Wayne, Indiana, to fully function under Home Rule.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. It is hereby determined and declared by the
Common Council of the City of Fort Wayne, Indiana, that the pro-
visions of this Ordinance incorporate by reference all the provisions
of the Code of the City of Fort Wayne, Indiana of 1974, as amended
and that this Ordinance hereby reenacts all of the ordinances
contained in said Code pursuant to IC 36-1-3-6, except as said
Code may conflict with any mandatory provision of IC 36.

Section 2. Whereas, the City of Fort Wayne, Indiana, wants
to exercise certain powers it is hereby enacted that the following
statutory powers are retained by the City of Fort Wayne, Indiana
pursuant to 1980 P.L. 211 § 15(b) and 1981 H.E.A. 1004 § 2:

- A. IC 18-5-3
- B. IC 18-5-7
- C. IC 19-7-46-3
- D. IC 19-7-46-4
- E. IC 19-7-33
- F. IC 18-5-20
- G. IC 18-6-21
- H. IC 19-9-0.5
- I. IC 18-6-12
- J. IC 19-7-47-3
- K. IC 19-7-21

The manner for exercising these powers shall be as prescribed
in these statutes until such procedures shall be amended by
ordinance.

Section 3. It being the purpose of this Ordinance to retain
for the City of Fort Wayne, Indiana, all powers necessary or
desirable for the conduct of its affairs, it is hereby enacted
that all powers permitted under those statutes set forth in

1980 P.L. 211 § 15(a) and 1981 H.E.A. 1004 § 1, are hereby
retained, whether or not those powers have heretofore been
implemented or exercised; and pursuant to 1980 P.L. 211 § 15(b)
and 1981 H.E.A. 1004 § 2, the manner for exercising those powers
shall be as prescribed in those statutes described in 1980 P.L.
211 § 15(a) and 1981 H.E.A. 1004 § 1, until such procedures
shall be amended by ordinance.

Section 4. Whereas, IC 36 does not fully regulate procedures
for public purchases, and it is necessary for the City of Fort
Wayne, Indiana, to supplement such procedure, therefore, it is
hereby enacted that:

- A. Pursuant to IC 36-1-3-6 the procedures governing
purchases and leases by municipal utilities of
the City of Fort Wayne, Indiana shall conform
with Section 11-1 of the Code of the City of
Fort Wayne, Indiana, of 1974 as amended.
- B. Pursuant to IC 36-1-3-6 the procedures governing
purchases and leases by the civil city of the
City of Fort Wayne, Indiana shall conform with
IC 36-1-9 and shall further be in compliance with
the provisions contained in Section 11-1 of the
Code of the City of Fort Wayne, Indiana, of 1974
as amended.

Section 5. All of the presently existing executive departments, boards, commissions and agencies of the City of Fort Wayne, Indiana are hereby continued.

Section 6. The City of Fort Wayne, Indiana, is desirous of more fully regulating itself by enacting ordinances from time to time and accordingly, the subject matter of this Ordinance shall in no way be intended as a limitation on the power of the City of Fort Wayne, Indiana, to continually enlarge and implement its

Home Rule powers.

Section 7. Two copies of this Ordinance, the Code of the City of Fort Wayne, Indiana of 1974 as amended, and all statutes referred to herein, are on file in the Office of the Clerk for the Common Council of the City of Fort Wayne for public inspection.

Section 8. If any section, clause, paragraph, portion or sentence of this Ordinance is declared illegal or void, it shall not affect the other sections, clauses, paragraphs, portions or sentences of this Ordinance which shall remain in full force and effect.

Section 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart

COUNCILMAN

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 8-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-23-82 (as amended) (as amended) on the 26th day of August, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1982, at the hour of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 31st day of August, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-06-24

GENERAL ORDINANCE NO. G-24-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of Catherine Avenue

WHEREAS, (1) a petition to vacate a portion of Catherine Avenue (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

Catherine Avenue from West property line of Lot 18 of Fairview Amended Addition to the East right-of-way line of vacated Joseph Avenue by General Ordinance G-18-78; more particularly described as follows:

Beginning at the Southwest corner of Lot 18 as established by Instrument No. 80-05724 of Fairview Amended Addition; thence South 50 LF to the South right-of-way of Catherine Avenue, said South line more particularly described as being the North line of Lot 86 as established by Instrument No. 78-23558 of Highland Park Addition Extended; thence Easterly along said North lot line of Lot 86 109 + LF; thence Southeasterly 40.2 LF to the Northeast corner of said Lot 86; said Northeast corner being on the West right-of-way line of vacated Joseph Avenue; thence East 90.8 LF to the East line of said vacated Joseph Avenue; thence Northeasterly to the North right-of-way line of Catherine Avenue along the East right-of-way line of vacated Joseph Avenue at a point 4.7 LF east of the Southwest corner of Lot 23 of Fairview Amended Addition; thence Westerly along the North right-of-way line of Catherine Avenue a distance of 170.6 LF to the Southwest corner of Lot 20 of Fairview Amended Addition; thence North 5 LF along the West line of said Lot 20; thence West 110.6 LF to the Point of Beginning.

and which vacating amends the Comprehensive Plan of the City and is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-24-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-07-07-06

GENERAL ORDINANCE NO. G-25-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof

WHEREAS, (1) a petition to vacate a public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Plan Commission; and (2) said Commission duly held a public hearing thereon; and (3) said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512 and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the petition filed herein to vacate:

the east/west alley adjacent to Lots 106, 107, 108, 109, 112, 113, 116, 117, 118, and 119 in Samuel Hanna's First Addition to the City of Fort Wayne, Indiana, as recorded in Deed Book "B", Page 447 in the Allen County Recorder's Office, more particularly described as follows:

Beginning at the southwest corner of Lot Numbered 112 in Samuel Hanna's First Addition, said southwest corner also being the intersection point of the east right-of-way line of Calhoun Street and the north line of this east/west alley; thence easterly along the south line of Lots 112, 109, 108, 107 and 106 a distance of 365.0 feet to the southeast corner of Lot Numbered 106, said southeast corner also being the intersection point of the west right-of-way line of Clinton Street and the north line of this east/west alley; thence southerly a distance of 14 feet along said west right-of-way line to the northeast corner of Lot Numbered 119; thence westerly along the north line of Lots 119, 118, 117, 116 and 113 a distance of 365.0 feet to the northwest corner of Lot Numbered 113, said northwest corner also being the intersection point of the east right-of-way line of Calhoun Street and the south line of this east/west alley; thence northerly along said east right-of-way line a distance of 14 feet to the Point o beginning; containing 0.12 acres, more or less.

and which vacating amends the Comprehensive Plan of the City and is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage' any any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuitna, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-25-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-08-30

GENERAL ORDINANCE NO. G-26-82

AN ORDINANCE providing for payment
of necessary fee for filing vacation
proceedings

WHEREAS, IC 36-7-3-12 dealing with Vacation of Public Ways or Places requires that the legislative body shall hold a hearing on a petition from any persons who own or are interested in any lots or parts of lots and want to vacate all or part of a public way or public place in or contiguous to those lots or parts of lots; and,

WHEREAS, said IC 36-7-3-12 (c) requires that the Clerk of the legislative body shall give notice of the petition and the time and place of public hearing:

- (1) In the manner prescribed in IC 5-3-1 (5-3-15-3 1-9); and,
- (2) By certified mail to each owner of land that abuts the property proposed to be vacated.

The petitioner shall pay the expense of providing this notice; and,

WHEREAS, the Plan Commission of the City of Fort Wayne, Indiana, presently requires a payment of filing fee of \$50 for its public hearing and the above public hearing requires the legislative body (Common Council) to have another public hearing which will require an additional filing fee from the petitioner to cover said Common Council's expense for publication and notice of its public hearing.

NOW THEREFORE BE IT ORDAINED BY THE Common Council of the City of Fort Wayne, Indiana, as follows:

Section 1. When any person who owns or is interested in any lot or parts of lots and wants to vacate all or any part of a public way or public place in or contiguous to those lots, the following procedure shall take place:

- (a) Said person shall first go to the Plan Commission of the City of Fort Wayne and pay a filing fee of \$100;
- (b) The Plan Commission shall apply \$50 of said fee to publication and giving notice of its own public hearing and retain the other \$50. for payment to the legislative body (Common Council) which it shall apply for expenses of publication and notice of its public hearing.

Section 2. After its public hearing the Plan Commission of the City of Fort Wayne, Indiana, shall submit its recommendations along with the proposed ordinance affecting said vacation to the legislative body (Common Council of the City of Fort Wayne, Indiana) together with the sum of \$50 for payment by the legislative body (Common Council) covering expenses of notices of time and place of hearing and publication thereof as required by law and said Common Council (legislative body) shall thereupon proceed to hold a public hearing on said petition within thirty (30) days after its has received the Clerk of said Common Council's notice of the petition and the time and place of hearing:

- (1) In the manner prescribed in IC 5-3-1 (5-3-1---5-3 1-9); and,
- (2) By certified mail to each owner of land that abuts the property proposed to be vacated.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-26-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-08-07

ZONING ORDINANCE NO. Z-18-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-1 (Single Family Residential) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974;

Chutes Homestead Addition - Lots 21 thru 74 and Lots 88 thru 94; McCulloch's 1st Addition - Lots 13 thru 15 and Lots 19 thru 30 and the south 95' of Lots 31 and 32; Peter Stein's Addition - Lots 3 and 4; Litsinns Subdivision - Lots 1 thru 4; Space 49.5' X 150' NE corner of Cedar and Summit Streets west of Lot #3 in Steins Addition; Space West 80.7 feet south of Summit Street and east of Cedar Street excluding SW FRL for alley; North 1/2 Space south of Summit Street and east of Cedar excluding west 80 FRL and excluding the east 39'; Space east 39' south of Summit Street and East of Cedar Street

Area bounded by Division Street on the west; Oak Street on the north, eastern terminus of Summit Street on the east and Summit Street on the south,

and the symbols of the City of Fort Wayne Zoning Map No. 0-6, as established by Section 11 of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, SSchmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-18-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-08-08

ZONING ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. H-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974,

All of Lot #30 and the North 38-3/4 feet of Lot #41 in Interurban Acre Addition, to the City of Fort Wayne, according to the recorded Plat thereof,

and the symbols of the City of Fort Wayne Zoning Map No. H3, as established by Section 11 of Chapter 33 of Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Date: 9-14-82

Charles W. Westerman
City Clerk

BILL NO. S-82-08-19

SPECIAL ORDINANCE NO. S-151-82

AN ORDINANCE approving Street Resolution
No. 5924-82, Caribe Colony Pavement
Repair, a contract between the City of Fort
Wayne, Indiana and Gaines Construction Co.,
Inc. in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated June 23, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Gaines Construction Co., Inc., for:

the reconstruction of five areas of pavement
and corner sidewalk replacement in Caribe
Colony Addition;

under Board of Public Works Resolution No. 592482, involving a total cost of Twenty-Eight Thousand Three Hundred Seventy-Eight and 25/100 Dollars (\$28,378.25) all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-151-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-20

SPECIAL ORDINANCE NO. S-152-82

AN ORDINANCE approving Sewer Resolution No. 361-82, Group 5, Foster Park Footbridge headwall Repair, a contract between the City of Fort Wayne, Indiana and T-G Excavating, Inc. in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 14, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T-G Excavating, Inc., for:

the removal of existing headwall and wingwalls,
installation of piling, backfilling with riprap,
and restoration at west end of the Foster Park
footbridge;

under Board of Public Works Resolution No. 361-82, involving a total cost of Twenty-Four Thousand One Hundred Seventy-Four and No/100 Dollars (\$24,174.00) all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated

herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta,, Scruggs, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-152-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-21

SPECIAL ORDINANCE NO. S-153-82

AN ORDINANCE approving Change Order No. 1,
Resolution No. 5926-82, Jefferson-Main-Illinois
Road Traffic Channelization, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 5926-82, Jefferson-Main-Illinois Road Traffic Channelization, with Brooks Construction Co., Inc., in connection with the Board of Public Works, for:

additional asphalt base, four more twelve inch
channels, removal of a sign base, installation
of a concrete gutter turnout, and installation
of curb delineators for better traffic flow
and for the safety of travel through the
intersection;

involving a net increase in the amount of Three Thousand Six Hundred Fifty-Two and 08/100 Dollars (\$3,652.08), as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-153-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-22

SPECIAL ORDINANCE NO. S-154-82

AN ORDINANCE approving Change Order No. 3, Resolution No. 338-80, Trier Ditch-Ridgeview Heights North Maumee Study Area, Federal Grant No. C-180599-08, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, Resolution No. 338-80, Trier Ditch-Ridgeview Heights, Federal Grant No. C-180599-08, North Maumee Study Area, with John Hartman Construction Co., Inc., in connection with the Board of Public Works, for:

additional asphalt and stone necessary for replacement of material in street cross cuts and to return street to original condition due to damage caused by heavy equipment and truck traffic;

involving a net increase in the amount of Twenty-Seven Thousand Five Hundred Seventy-Five and No/100 Dollars (\$27,575.00), as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-154-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-23

SPECIAL ORDINANCE NO. S-155-82

AN ORDINANCE approving Change Order No. 2, Resoluiton No. 325-80, Elkridge Addition, Federal Grant No. C-180599-07, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Resolution No. 325-80, Elkridge Addition, Federal Grant No. C-180599-07, Spy Run Study Area, with Butler & Butler Inc., in connection with the Board of Public Works, for:

the relocation of a pump station outside of the North American Van Lines complex;

involving a net decrease in the amount of Nineteen Thousand Eighty-Nine and 50/100 Dollars (\$19,089.50) as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, scruggs, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-155-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-25

SPECIAL ORDINANCE NO. S-156-82

AN ORDINANCE approving Street Lighting Resolution
No. 157-82, Arrow Drive, between the
City of Fort Wayne, Indiana and T & F
Construction Corporation of Indiana in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 28, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & F Construction Corporation of Indiana, for:

the installation of ornamental street lights on
Arrow Drive from Engle Road to its southern terminus;

under Board of Public Works Street Lighting Resolution No. 157-82, involving a total cost of Five Thousand Five Hundred Eight and No/100 Dollars (\$5,580.00), all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-156-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-26

SPECIAL ORDINANCE NO. S-157-82

AN ORDINANCE approving Sewer Resolution No. 360-82, Group 1 Sewer Repairs, a contract between the City of Fort Wayne, Indiana and Land Excavating, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 14, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Land Excavating, Inc., for:

the construction of Group 1 Sewer Repairs as detailed in Federal Emergency Management Agency Damage survey Reports 41987, 44818, 44822, 44824, 47026, 47094, and 47097;

under Board of Public Works Resolution No. 36082, involving a total cost of Forty-Six Thousand Six Hundred Thirty-Three and No/100 Dollars (\$446,633.00). all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, STier, Talarico
Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-157-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-27

SPECIAL ORDINANCE NO. S-158-82

AN ORDINANCE approving Sewer Resolution No. 362-82, Group 2 Sewer Repairs, a contract between the City of Fort Wayne, Indiana and Land Excavating, Inc. in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 28, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Land Excavating, Inc., for:

Group 2 Sewer Repairs which are detailed in the Federal Emergency Management Agency Damage Survey Reports 047091, 047072, 044760, 047099, 047158, 047082, 041988, 047071, and 047024;

under Board of Public Works Resolution No. 362-82, involving a total cost of One Hundred Ninety-Eight Thousand Eight Hundred Sixty-Eight and 75/100 Dollars (\$198,868.75), all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-158-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-28

SPECIAL ORDINANCE NO. S-159-82

AN ORDINANCE approving Sewer Resolution No. 358-82, Catch Basin and Inlet Repair, a contract between the City of Fort Wayne, Indiana and Bercot, Inc. in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 7, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Bercot, Inc., for:

the installation of Catch Basin and Inlet repair and Replacement of Storm Sewers, all detailed in the Federal Emergency Management Agency Damage Survey Reports 047100,, 047101, 047102, and 041999;

under Board of Public Works Resolution No. 35882, involving a total cost of Sixty-Nine Thousand One Hundred Thirty-Six and No/100 Dollars (\$69,136.00), all as more particularly set forth in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Burns and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 9-14-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-159-82 on the 14th day of September, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of September, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-29

SPECIAL ORDINANCE NO. S- 160-82

AN ORDINANCE approving Water Resolution No. 1027-82, Edwards Street, a contract between the City of Fort Wayne, Indiana and Scheidleman Excavating, Inc. for the installation of a water main, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated July 21, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Scheidleman Excavating, Inc., for:

the installation of an eight inch water main in and along the west side of Edwards Street from a point four feet north of the south line of Covington Road, southward 1552 + feet;

under Board of Public Works Water Resolution No. 102782, involving a total cost of Twenty-Four Thousand Four Hundred SeventyEight and 68/100 Dollars (\$24,478.68), all as more particularly set forth in said Resolution and Contract which are on file in said Resolution and Contract which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-160-82 on the 14th day of September, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of September, 1982, at the hour of 8:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-02

SPECIAL ORDINANCE NO. S-161-82

AN ORDINANCE approving Civil City
Purchase Order No. A-19338 with Lincoln-Way
International, Inc. for the Street
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-19338 between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Board of Public Works and Lincoln-Way International, Inc. for:

the purchase of a 1982 International Truck
Model 1954 to replace the cab and chassis
on the Distributer (oiler) for the Street
Department,

involving a total cost of Twenty-Five Thousand Five Hundred and No/100 Dollars (\$25,500.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-161-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-03

SPECIAL ORDINANCE NO. S-162-82

AN ORDINANCE approving Civil City
Purchase Order No. A-18668 with
Bituminous Materials Co., Inc. for
the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-18668 between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Board of Public Works and Bituminous Materials Co., Inc. for:

the blanket purchase of asphalt emulsion SP-2
for the Construction Division of the Street
Department to be used in the Chip and Seal Program,

involving a total cost not to exceed One Hundred Seventy Thousand Five Hundred and No/100 Dollars (\$170,500.00) all as more particularly set forth in said Purchase Order, which is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-162-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-04

SPECIAL ORDINANCE NO. S-163-82

AN ORDINANCE approving a bid document
with C.M.S. Roofing, Inc. for the
Department of Animal Control in
connection with the Board of Public Safety

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document dated June 21, 1982, reference number 1043, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Safety, and C.M.S. Roofing, Inc., for:

roof repairs at the Department of Animal Control;

involving a total approximate cost of Nine Thousand Eight Hundred and No/100 Dollars (\$9,800.00), all as more particularly set forth in said bid document, reference number 1043, and Purchase Order No. A-019598, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-163-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-05

SPECIAL ORDINANCE NO. S-164-82

AN ORDINANCE approving certain bid contracts for airport improvements, in connection with the Board of Aviation Commissioners

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following bid Contracts entered into between the Board of Aviation Commissioners and the undersigned parties for airport improvement, as specified:

- | | | |
|----|--|-------------|
| A. | Contract dated February 23, 1982, with Moake Sheldon Dratzet & Associates, Inc. and Wetzel Engineers for design and engineering services for taxiway and equipment building, involving a total cost of | \$79,500.00 |
| B. | Contract dated September 2, 1982, with Silkworth Commercial Builders, Inc. for snow removal equipment building, involving a total cost of | 600,9000.00 |
| C. | Contract dated September 2, 1982, with Moellering Construction Company, Inc. for apron overlayment, involving a total cost of | 118,578.75 |
| D. | Contract dated September 2, 1982, with Moellering Construction Co., Inc. for 1400 foot taxiway, involving a total cost of | 482,125.18, |

all pursuant to F.A.A. Projects ADAP #6-18-0022-09 and #6-18-0022-10; and

E. Contract dated August 23, 1982, with
Schenkel Scheele, Inc. for remodeling
baggage claim entry, involving a total
cost of

\$ 13,655.00,

all of which are on file in the Office of the Board of Aviation Commissioners and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved. Two copies of said Contracts are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as No. S-164-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-06

SPECIAL ORDINANCE NO. S-165-82

AN ORDINANCE approving certain
contracts for the purchase of land,
in connection with the Board of
Aviation Commissioners

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following Contracts entered into between the Board of Aviation Commissioners and the undersigned parties for the purchase of land for the expansion of the airport runway approved by the Federal Aviation Administration, ADAP Project #6-18-0022-07:

- A. Contract dated October 25, 1981, with Ruth M. Fogwell (now Estate of Ruth M. Fogwell), involving a total cost of \$ 65,000.00
- B. Contract dated July 16, 1982, with Lerland W. Fogwell and Mary Lousie Fogwell, involving a total cost of 689,388.00,

all of which are on file in the Office of the Board of Aviation Commissioners and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved. Two copies of said Contracts are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-165-82 on the 28th day of September, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-07

RESOLUTION NO. R-47-82

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE
AND SALE OF \$5,000,000.00 ECONOMIC REVENUE
BONDS OF THE CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE APPLICANT,
ESSEX GROUP, INC.

TO PROCEED WITH THE ACQUISITION, CONSTRUCTION
AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Essex Group, Inc. (the "Applicant") has advised the Fort Wayne Economic Development

Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development facility to be refurbishment of office space including additions to existing buildings, equipment, to be located at Essex Group's facility at 1601 Wall Street, Fort Wayne, Indiana (the 'Project'); and

WHEREAS, the diversification of industry and an increase in approximately 50 to 75 job opportunities immediately and possibly 150 job opportunities within three years, to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advise of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Counciman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-47-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-34

RESOLUTION NO. R-48-82

A RESOLUTION authorizing the City of Fort Wayne to continue financing on an interim basis the purchase of Puritan Utilities, Inc. Diversified Utilities, Inc. and Maplewood Park Utilities, Inc. (Inbalco)

WHEREAS, an Agreement for the Purchase of Assets (Purchase) has been executed between the City of Fort Wayne and Puritan Utilities, Inc., Diversified Utilities, Inc. and Maplewood Park Utilities, Inc. (More commonly known as Inbalco) on the 29th day of April, 1981; and

WHEREAS, the City of Fort Wayne proposes to sell 1982 Revenue Bonds (Utility Project) for capital expenditures for water and sewer improvements for the permanent financing of the Purchase when bond market conditions improve and statutory procedures are completed; and

WHEREAS, the City of Fort Wayne did borrow the sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) on July 27, 1981 from the Lincoln National Bank and Trust Company of Fort Wayne pursuant to a promissory note and security agreement of said date for interim financing of the Purchase; and

WHEREAS, all but One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) of said interim financing has been repaid and said One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) is to be repaid by the above noted 1982 Revenue Bonds; and

WHEREAS, a condition precedent to issuing said Bonds is approval by the Public Service Commission which held a hearing on August 27, 1982; and

WHEREAS, the City of Fort Wayne needs to continue interim financing of One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) until the sale of said Bonds and delivery of same to the purchaser which should take place on or before November 30, 1982 and the Lincoln National Bank and Trust Company of Fort Wayne is willing to loan to the City of Fort Wayne One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) for said period of time, said loan to be evidenced by a promissory note. Said promissory note to bear interest at seventy-five percent (75%) of the prime commercial rate of said Lincoln National Bank and Trust Company, but at a rate not less than eleven and one-half percent (11.5%).

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City of Fort Wayne is authorized to borrow the sum of One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) from the Lincoln National Bank and Trust Company of Fort Wayne for a period not to exceed the 30th day of November, 1982, bearing interest at seventy-five percent (75%) of the prime commercial rate of said Lincoln National Bank and Trust Company but at a rate not less than eleven and one-half percent (11.5%), pursuant to the substantially final form of said promissory note attached hereto, with such changes, not altering the form or substance, as many be determined by the Mayor, and said note and other documents deemed necessary to include the transaction are hereby authorized to be executed by the Mayor of the City of Fort Wayne and the Clerk of the City of Fort Wayne.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-48-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-38

RESOLUTION NO. R-49-82

A RESOLUTION authorizing the transfer
of funds between certain accounts
within the 1982 budget of Parking
Administration

WHEREAS, it has become necessary to transfer funds to Account No. 132-132-CPGI-4138 "Uniform Allowance" in the 1982 budget of Parking Administration, for which adequate funds exist in Account No. 132-132-CPGI-4365 "Laundry Service"; and

WHEREAS, said transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana is hereby authorized to transfer the sum of Nine Hundred Twenty and No/100 Dollars (\$920.00) to Account No. 132-132-CPGI-4138 "Uniform Allowance" within the 1982 budget of Parking Administration.

SECTION 2. That the unappropriated and unexpended balance of Account No. 132-132-CPGI-4365 "Laundry Service" is hereby reduced in the amount of Nine Hundred Twnty and No/100 Dollars (\$920.00).

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-49-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-39

RESOLUTION NO. R-50-82

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to certain accounts within the 1982 budget of the Street Department for the purpose of repairs to such property

WHEREAS, various items of City property have been damaged by certain parties; and

WHEREAS, insurance companies have reimbursed the City of Fort Wayne for such damages and such reimbursements have been received and receipted by the City Controller into the General Fund of the City of Fort Wayne; and

WHEREAS, the Street Department has repaired or replaced such damaged items; and

WHEREAS, I.C. 6-1.1-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that these insurance proceeds be used to repair the items damaged.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the following sums of insurance claim proceeds to the following account within the 1982 budget of the Street Department:

Account No. 128-128-1201-4299	
Other Materials	\$5,833.70

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-50-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-40

RESOLUTION NO. R-51-82

A RESOLUTION authorizing an appeal
from the budget and tax rates and
levies fixed by the Allen County
Tax Adjustment Board

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in a manner contrary to the laws of the State of Indiana and in such ways as to render it impossible to carry out the governmental functions and responsibilities committed to it by law.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the appropriate officers of the City of Fort Wayne are hereby authorized and directed to take all steps necessary to present an appeal from the budget and tax rates and levies fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies reduced by the Allen County Tax Adjustment Board.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-51-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-41

RESOLUTION NO. R-52-82

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to certain accounts within the Department of Traffic Engineering for the purpose of repairs of such property

WHEREAS, various items of City property have been damaged by certain parties; and

WHEREAS, insurance companies have reimbursed the City of Fort Wayne for such damages and such reimbursements have been received and receipted by the City Controller into the General Fund of the City of Fort Wayne; and

WHEREAS, the Department of Traffic Engineering has repaired or replaced such damaged items; and

WHEREAS, I.C. 6-1-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that these insurance proceeds be used to repair the items damaged.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the following sums of insurance claim proceeds to the following accounts within the Department of Traffic Engineering:

Account No. 010-011-OFFC-4299	\$25,636.02
Other Materials	
Account No. 010-011-)FFC-4263	1,000.00
Repair Parts	
Account No. 010-011-OFFC-4363	<u>8,000.00</u>
Equipment Repair	
Total	\$34,636.02

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-52-82 on the 28th day of September, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-46

RESOLUTION NO. R-53-82

RESOLUTION IN FAVOR OF THE USE OF
FUNDS FOR ECONOMIC DEVELOPMENT
IN FORT WAYNE

WHEREAS, the City of Fort Wayne, through its Administrative and Legislative branches of Government, approved a plan providing funds to maintain employment and economic stability, and,

WHEREAS, that pool of funds was originally established to aid Fort Wayne in its fight to keep the International Harvester Company in Fort Wayne, and;

WHEREAS, the recent decision by International Harvester to relocate a portion of its plant highlights the need to continue efforts to assist existing companies as well as to bring new business and industry to the Fort Wayne Metropolitan Area.

NOW, THEREFORE, BE IT RESOLVED that the Common Council encourages the use of the pool of funds established in the City's fight for Harvester to promote economic stability and to attract new industry to Fort Wayne.

The Common Council further resolves that the Administration shall make existing and prospective businesses aware of the availability of this fund and shall develop guidelines for its use, all of which shall be subject to final approval by this body.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Eisbart, GiaQuinta, Schmidt, Scruggs, Stier, Talarico

Nays: One

Schomburg

Abstained: One Burns

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-53-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-08-10 (AS AMENDED)

SPECIAL ORDINANCE NO. S-184-82

AN ORDINANCE authorizing the
adoption of the Fort Wayne -
Allen County Flood Protection
Plan

WHEREAS, the Fort Wayne-Allen County Flood Protection Team has prepared a Flood Protection Plan which examines the past problems of flooding in the area and provides recommendations which promote the public health, safety, morals, convenience, order, and welfare in the process of development in accordance with the statutes of the State of Indiana; and

WHEREAS, the Fort Wayne-Allen County Flood Protection Plan and its recommendations are consistent with the general policy and pattern of development set forth in the Fort Wayne Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Fort Wayne-Allen County Flood Protection Plan is hereby adopted in its entirety by the Common Council of the City of Fort Wayne and said Common Council supports the implementation of the recommendations outlined in the Plan;

Provided, however, that within ninety (90) days from and after the passage of this ordinance the proper authority provide this Common Council with the following written report:

- (a) The quantity of accumulated silt and other debris in the portion of the Maumee River proposed for dredging in said report;
- (b) An estimate of the effect of the five (5) miles dredging of the Maumee River as proposed in the Flood Protection Plan;
- (c) An estimate of the cost of maintenance of the proposed dredging of the Maumee River and what governmental authority or authorities will pay for said dredging and maintenance.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Talarico
Nays: None
Abstained: One
Stier

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-184-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-09-08

GENERAL ORDINANCE NO. G-27-82

AN ORDINANCE approving the award of a contract to Momper Insulation Company

WHEREAS, Housing and Neighborhood Development Services, Inc. advertised for bids for a proposed contract under solicitation No. AI1-82; and

WHEREAS, Momper Insulation Company was the lowest and best bidder on the invitation for bids; and

WHEREAS, award of contract to Momper Insulation for the insulation of certain houses in the neighborhood strategy areas at a price not to exceed One Hundred Thousand and No/100 Dollars (\$100,000.00) is in the best interests of the City of Fort Wayne, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the proposed award of the contract to Momper Insulation for the insulation of certain houses in the City of Fort Wayne, Indiana is hereby approved at a price not to exceed One Hundred Thousand and No/100 Dollars (\$100,000.00).

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-27-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-12

SPECIAL ORDINANCE NO. S-166-82

AN ORDINANCE approving Improvement Resolution No. 5942-82, 1982 Flood Damage to Dwenger Avenue Area, with Brooks Construction Company, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 18, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Brooks Construction Company, Inc., for:

the resurfacing of Dwenter Avenue from ACRO Products east to the west entrance of the Humane Shelter and the repair of curbs and driveways due to damage caused by 1982 Flood;

under Board of Public Works Improvement Resolution No. 5942-82, involving a total cost of Forty-Six Thousand Five Hundred Thirty-Four and 14/100 Dollars (\$46,534.14), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-166-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-13

SPECIAL ORDINANCE NO. S-167-82

AN ORDINANCE approving Improvement Resolution No. 5931-82, Nebraska Neighborhood, Phase VII, with Gaines Construction Co., Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Gaines Construction Co., Inc., for:

the construction of curbs and sidewalks where necessary as follows: Richardson Street, sidewalk north side of Osage to Runnion and south side of Rumsey to Runnion;

Howell Street, sidewalk both sides of Osage Street to G.R.&I. R.R. right-of-way;
 High Street, curbs and sidewalk both sides of Osage to G.R. & I.R.R. right-of-way;
 Rumsey Street, sidewalk both sides of Richardson to High; Runnion Avenue, sidewalk
 both sides of Richardson to High; Osage Street, sidewalk both sides of Howell Street
 to High;

under Board of Public Works Improvement Resolution No. 5931-82, involving a total cost on One Hundred Thirty-Six Thousand Seven Hundred Three and 40/100 Dollars (\$136,703.40), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
 Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-167-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-09-14

SPECIAL ORDINANCE NO. S-168-82

AN ORDINANCE approving Improvement
 Resolution No. 5934-82, Oxford
 Neighborhood, Phase VII, with John
 Dehner, Inc., in connection with
 the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and John Dehner, Inc., for:

the construction of curbs and sidewalks where necessary on: Holton Avenue, both sides from Oxford on north to Rudisill on south; Robinwood Drive, both sides from Grier on north to Rudisill on south; Bowser Avenue, both sides from Oxford on north to Rudisill on south; Oliver Street, both sides from Oxford on north to Rudisill on south; Smith Street, both sides from Oxford on north to Rudisill on south; Gaywood Drive, both sides from Oxford on north to Rudisill on south; South Park Drive, both sides from Oxford on north to Rudisill on south; Weisser Park, both sides from Oxford on north to Rudisill on south; Hanna Street, both sides from Oxford on north to Rudisill on south; and Hamilton Avenue, both sides from Hanna east to Oliver;

under Board of Public Works Improvement resolution No. 5934-82, involving a total cost of One Hundred Seven Thousand Four Hundred Thirty-Nine and 75/100 Dollars (\$107,439.75), all as more particularly set forth in said Resolution and Contract, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made a vailable for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-168-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-15

SPECIAL ORDINANCE NO. S-169-82

AN ORDINANCE approving Change Order
No. 4, Resolution No. 312-80, Concordia
Gardens, Federal Grant No. C-180599-06,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, Resolution No. 312-80, Concordia Gardens, Federal Grant No. C-180599-06, with Weitzel Construction, Inc., in connection with the Board of Public Works, for:

one inch of asphalt to be layed on the full pavement width in addition to the two inch asphalt overlay as originally planned;

involving a net increase in the amount of Thirty-Seven Thousand Twenty-Six and No/100 Dollars (\$37,026.00), as more particularly set out in the specifications, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbaury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-169-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-16

SPECIAL ORDINANCE NO. S-170-82

AN ORDINANCE approving Resolution
No. 5936-82, Trier Road, with Dailey
Asphalt Products Co., Inc., in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Co., Inc., for:

the resurfacing and restoration of pavement on Trier Road from the west property line of Parish Drive to the west pavement line of Reed Road;

under Board of Public Works Resolution No. 5926-82, involving a total cost of One Hundred Eleven Thousand Eight Hundred Ten and 87/100 Dollars (\$111,810.87), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-170-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-17

SPECIAL ORDINANCE NO. S-171-82

AN ORDINANCE approving Improvement Resolution No. 5933-82, Hanna-Creighton Neighborhood, Phase VI, with Rieth-Riley Construction Company, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 4, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Company, Inc., for:

the construction of sidewalks on Pontiac Street from Lafayette to John, both sides of Pontiac from Oliver to Anthony, both sides of Emily Street from Gay to Bowser, and both sides of Hurd Street from Gay to Oliver, including curbing, drive approaches, and drainage structures;

under Board of Public Works Improvement Resolution No. 5933-82, involving a total cost of One Hundred Sixty-Nine Thousand Six Hundred Fifty-One and 25/100 Dollars (\$169,651.25), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-171-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-18

SPECIAL ORDINANCE NO. S-172-82

AN ORDINANCE approving Improvement
Resolution No. 5927-82, Northwest
Central Neighborhood, Phase VI, with
Rieth-Riley Construction Company, Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 4, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Company, Inc., for:

the construction of curbs and sidewalks where necessary on: Second Street, both sides from the alley east of Wells Street to Harrison Street; Third Street, both sides from the alley east of Wells Street to Calhoun Street; Fourth Street, both sides from the alley east of Wells Street to the alley east of Harrison Street; Fifth Street, both sides from the alley east of Wells Street to Harrison Street; Sixth Street, both sides from the alley east of Wells Street to Harrison Street; Huffman Street, south side only from the first alley east of Short Street to the first drive west of Wells Street; and Cass Street, both sides from Second Street to Sixth Street;

under Board of Public Works Improvement Resolution No. 5927-82, involving a total cost of One Hundred Thirty-Nine Thousand Eight Hundred Sixty-Nine and 65/100 Dollars (\$139,869.65), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-172-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-19

SPECIAL ORDINANCE NO. S-173-82

AN ORDINANCE approving Improvement
Resolution No. 5935-82, East Central
Neighborhood, Phase VII, with L.W.
Dailey, Inc., in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and L.W. Dailey, Inc., for:

the construction of curbs and sidewalks where necessary on: Hugh Street, south side from Chute to Ohio and both sides from Ohio to Winter; Eliza Street, both sides from Ohio to Winter; Ohio Street, both sides from Lewis to the alley north of Hayden; McCulloch Street, both sides from Lewis to the alley north of Hayden; Winter Street, both sides from Lewis to the alley north of Hayden; Lillie Street, both sides from Lewis to the alley north of Hayden; Alliger Street, both sides from Winter to Anthony;

under Board of Public Works Improvement Resolution No. 5925-82, involving a total cost of One Hundred Twenty-Nine Thousand Three Hundred Eighty-Nine and 20/100 Dollars (\$129,389.20), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-173-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-20

SPECIAL ORDINANCE NO. S-174-82

AN ORDINANCE approving Improvement Resolution No. 5938-82, Goshen Avenue, with Dailey Asphalt Products Company, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Company, Inc., for:

the resurfacing and restoration of pavement on Goshen Avenue from the west pavement line of Sherman Boulevard to the south pavement line of Coliseum Boulevard West;

under Board of Public Works Improvement Resolution No. 5938-82, involving a total cost of One Hundred Ninety-Two Thousand Eight Hundred Twenty-Three and 24/100 Dollars (\$192,823.24), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-174-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-21

SPECIAL ORDINANCE NO. S-175-82

AN ORDINANCE approving Improvement
Resolution No. 5937-82, Reed, Vance
and Kirkfield Streets, with Daley
Asphalt Products Company, Inc. in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated August 25, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Company, Inc., for:

the resurfacing and restoration of pavement on Reed Road from the north pavement line of State Boulevard to the south property line of Trier Road; Reed Road from the south pavement line of Lake Avenue to its southern terminus; Vance Avenue from the east pavement line of Coliseum Boulevard North to the West curb line of Glencairn Drive; and Kirkfield Drive from the south pavement line of Trier Road to the southeast property line of Highwood Drive;

under Board of Public Works Improvement Resolution No. 593782, involving a total cost of One Hundred Thirty-Two Thousand Three Hundred Fifty-Nine and 15/100 Dollars (\$132,359.15), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-175-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-23

SPECIAL ORDINANCE NO. S-176-82

AN ORDINANCE approving Change Order
No. 1, Resolution No. 158-82, Home
Avenue, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That change Order No. 1, Resolution No. 158-82, Home Avenue, with T & F Construction Company of Indiana, in connection with the Board of Public Works, for:

the running of underground cable in a continuous
conduit because of the numerous trees and as
an aid to future maintenance;

involving a net increase in the amount of Five Hundred Sixty-Eight and 60/100 Dollars (\$568.60), as more particularly set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. s-176-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-24

SPECIAL ORDINANCE NO. S-177-82

AN ORDINANCE approving Change Order
No. 2, Water Quality Control Project,
AWT, Federal Grant No. C-180774-03,
in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Water Quality Control Project AWT, Federal Grant No. C-180774-03, with Hagerman-Shambaugh, Joint Bidders, in connection with the Board of Public Works, for:

material change in the walk-in incubator, open cut of sewer, line, and roof flashing and the elimination of wiring and one control loop to the sluice gate, and the addition of two buried gate valves and one motorized ventilation damper,

involving a net decrease in the amount of Six Thousand Seven Hundred fifty and 25/100 Dollars (\$6,750.25) as set out in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-177-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-25

SPECIAL ORDINANCE NO. S-178-82

AN ORDINANCE approving an Agreement with Clark Dietz Engineers, a Division of CRS Group Engineers, Inc. for engineering services on Advance Wastewater Treatment Project, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Agreement dated August 11, 1982 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Clark Dietz Engineers, a Division of CRS Group Engineers, Inc., for:

Professional Engineering Services on the existing Advanced Wastewater Treatment Project including, but not limited to, an in-depth constructability review of the plans, specifications, hydraulic design, contract, etc. to identify potential problems and eliminate or minimize project cost overruns and/or change orders;

involving a total cost not to exceed Forty-Two Thousand Five Hundred and No/100 Dollars (\$42,500.00), all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. that this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-178-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-26

SPECIAL ORDINANCE NO. S-179-82

AN ORDINANCE approving an Amendment
to the Water Agreement with the
City of New Haven, Indiana for an
additional water line, in connection
with the Board of Public Works

WHEREAS, the City of Fort Wayne and the Town (now City) of New Haven, both of Allen County, Indiana entered into an Agreement on the 26th day of September, 1960 for the purchase of water by the City of New Haven from the City of Fort Wayne, all as more specifically set forth in said Agreement; and

WHEREAS, the city of Fort Wayne and the City of New Haven did on the 18th day of April, 1966 execute an Amendment to said Water Agreement dated September 26, 1960; and

WHEREAS, the City of New Haven is desirous of constructing, at its expense, an additional water line and connecting the same to a City of Fort Wayne feeder line for the purpose of servicing the area described in the prior Agreement and Amendment thereto with a reliable and assured source of water; and

WHEREAS, the City of New Haven has not violated any of the terms and conditions of the Agreement executed by the two cities on September 26, 1960 and amended on the 18th day of April, 1966, and the parties agree that said Agreement is in full force and effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Amendment to the Water Agreement dated September 26, 1960, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and the City of New Haven, Indiana, by and through its Mayor and the Board of Public Works and Safety, said Amendment executed by the parties thereto on the 18th day of August, 1982 and the Fourth day of May, 1982, respectively, for:

an additional water line and connection of same to a City of Fort Wayne feeder water line in the general location of the junction of Adams Center Road and Moeller Road in Adams Township, Allen County, Indiana constituting the City of New Haven's second metered connection point into the City of Fort Wayne feeder line;

involving a total cost to be paid by the City of New Haven, all as more particularly set forth in said Amendment, which is on file in the Office of the Board of Public Works of the City of Fort Wayne, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Amendment are on file with the Office of the City Clerk of the City of Fort Wayne and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-179-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-27

SPECIAL ORDINANCE NO. S-180-82

AN ORDINANCE approving Change Order
No. 1 (Final), Contract No. 81-XP-2,
McArthur-Indianapolis Road Feeder
Main, in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Contract No. 81XP2, McArthur-Indianapolis Road Feeder Main, with T-G Excavating, Inc., in connection with the Board of public Works, for:

Additional pipe necessary to avoid underground
utilities encountered during construction,

involving a net increase in the amount of Six Hundred Forty-Eight and 69/100 Dollars (\$648.69) as set out in the specifications which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof, and are hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-180-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-28

SPECIAL ORDINANCE NO. S-181-82

AN ORDINANCE approving Addendum No. 5 to the Engineering Agreement with Reid, Quebe, Addison, Wilcox & Associates, Inc. for the Combined Sewer Overflow Study, in connection with the Board of Public Works

WHEREAS, the City of Fort Wayne, Indiana and Reid, Quebe, Allison, Wilcox & Associates, Inc. entered into Agreement for the Combined Sewer Overflow Study, said Agreement dated June 25, 1979; and

WHEREAS, the U.S. Environmental Protection Agency has requested additional computer modeling to be included in said Combined Sewer Overflow Report; and

WHEREAS, the City of Fort Wayne is desirous of amending said Agreement dated June 25, 1979 to include these additional services.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Addendum No. 5 dated May 12, 1982 to the Agreement between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Reid, Quebe, Allison, Wilcox & Associates, Inc., for the Combined Sewer Overflow Study, said Addendum for:

the analysis of U.S. Weather Bureau data and extrapolation of appropriate storm frequency data for recurrence intervals less than one year; selection of two design storms in addition to current one and two year frequency design storms; the running of runoff and sewer models for 26 basins on two additional design storms; the determination of "critical alternative" levels for two additional design storms; the running of sensitivity checks on three design storms at "critical alternative" levels for parameters of: river background flows, river background quality, and CSO quality; the running of options for "critical alternative" treatment levels to simulate facility alternatives for two additional design storms; selection of the two best solutions for each design storm and the running of these options on all design storms; selection of the best solution based on cost benefit in view of all design storms and sensitive parameters; and the including of two additional design storms' data in the final report and the production of plots of computer output to aid in the understanding of results in response to the request by the U.S. Environmental Protection Agency to include additional computer modeling in the combined Sewer Overflow Report;

involving a net increase in the amount of Forty-Nine Thousand Three Hundred Ninety and No/100 Dollars (\$9,390.00), all as more particularly set forth in said Addendum, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Addendum are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Pual M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-181-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-29

SPECIAL ORDINANCE NO. S-182-82

AN ORDINANCE approving Street Lighting
Resolution No. 16082, Maintenance Contract
with T & F Construction Corporation of
Indiana, in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That a certain Contract dated July 28, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & F Construction Corporation of Indiana, for:

the maintenance of the street lighting system
and new construction;

under Board of Public Works Street Lighting Resolution No. 160-82, involving a maximum cost of Six Hundred Seventy-Nine Thousand and No/100 Dollars (\$679,000.00), all as more particularly set forth in said Resolution and Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-182-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-30

SPECIAL ORDINANCE NO. S-183-82

AN ORDINANCE approving an Agreement
with Yardley, Inc., for the construction
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated July 14, 1982 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Yardley, Inc., Developer, for:

Sanitary Sewer Lateral #1

Commencing at a new manhole at Station 0 + 00 located plus or minus 190 foot west of the center line of Maplecrest Road and 30 foot south of the south right-of-way line of Midfield Drive at its intersection with Maplecrest Road; thence continuing south within a 15 foot sanitary sewer easement a distance of 180 feet to Manhole #2 at Station 1 + 80; thence continuing southerly through the saideasement a distance of 350 feet to Manhole #3 at Station 5 + 30; thence continuing south a distance of 140 feet to a cleanout at Station 6 + 70, said cleanout ends Sanitary Sewer Lateral #1;

Sanitary Sewer - Lateral #2

Commencing at Manhole #2 located on the above referenced Sanitary Sewer Lateral #1, thence west a distance of 71 feet to Manhole #4, said Manhole being located within a 20 foot utility easement along the west right-of-way line of Yardley Court; thence south a distance of 349 feet to Manhole #5 at Station 415; thence continuing south a distance of 120 feet to a cleanout located at Station 5 + 70, said cleanout terminates Sanitary Sewer Lateral #2;

of which the Developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said Agreement, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-183-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-09-22

GENERAL ORDINANCE NO. G-28-82

AN ORDINANCE amending Chapter 14 of
the Municipal Code of the City of
Fort Wayne of 1974 by adding certain
Sections thereto

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 14 of the Municipal Code of the City of Fort Wayne of 1974 entitled "Health and Sanitation" be and the same is hereby amended by adding thereto the following Sections, to-wit:

ARTICLE VI. PUBLIC AND PRIVATE SEWAGE DISPOSAL

Sec. 14-69. Definitions.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this article, shall have the meanings respectively ascribed to them in this section:

- A. "Available" shall mean abutting the property, crossing the property, within any easement or public right-of-way abutting the property or within 300 feet of the property;
- B. "Building" shall mean structure having a roof supported by columns or walls built or used for the enclosure, shelter, protection or occupancy of persons, fixtures or personal property, and from which there is any effluent containing human waste. whether the building is used for residential or commercial use;
- C. "Public Sewer" shall mean any sanitary sewer constructed, installed, maintained or operated and owned by a municipality, sewage district or utility company approved and regulated by the Public Service Commission or any sanitary or taxing district established for that purpose provided, a county legal drain, mutual drain or private drain installed for the purpose of carrying surface water runoff and subsoil drainage shall not be considered a public sewer under this definition;
- D. "Private sewage disposal system" shall mean a septic tank sewage disposal system or any other sewage disposal system including all equipment and devices necessary for proper conduction, collection, storage, treatment or disposal of sewage from a building, not constructed, installed, maintained or operated and owned as a public sewer;
- E. "Sewage" shall mean any one or a combination of human excreta and waste water from water closets, laundries, sinks, bathing facilities, floor drains and any other objectionable waste waters, liquid wastes or effluents from any source;
- F. "Shall" means mandatory; "may" means permissable;
- G. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or municipality, or its legal representative or agent, unless otherwise expressly provided.

Sec. 14-70.

Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the building sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to the public sewer shall be made

within ninety (90) days after the public sewer becomes available. Any person who owns, leases, occupies or controls such property shall be responsible for the connection to the public sewer.

Sec. 14-71

Prior to the commencement of excavation or construction for any residential or commercial building where a private sewage disposal system or privy is proposed to be installed; or where any alteration, repair, addition or new installation serving any existing private sewage disposal system is proposed, the owner, lessee, occupant or any other person having an interest in the property shall first obtain a Construction Permit from the Fort Wayne-Allen County Health Officer. No person shall perform any work on such project unless a valid Construction Permit is first obtained and is properly posted in a conspicuous place at or near the building where the private sewage disposal system is to be constructed. The permit shall be plainly visible from the public thoroughfare serving the building until the project is completed. The application for such Permit shall be submitted to the Fort Wayne-Allen County Health Officer on a form provided by said Officer, supplemented by any plans, specification and other information, as deemed necessary by the Fort Wayne-Allen County Health Officer.

The application form and Permit shall be prepared by the Fort Wayne-Allen County Health Officer.

A permit and inspection fee of Ten and No/100 Dollars (\$10.00) shall be paid to the City of Fort Wayne General Fund at the time of filing the application.

A Construction Permit shall be valid for one (1) year from the date of issuance, and may be renewed for six (6) months upon application; provided that when renewed, the permittee shall comply with any changes in the rules, standards or requirements which may have come into effect subsequent to the original date of issuance.

Sec. 14-72.

Construction Permits shall not be granted unless all requirements of Indiana State Board of Health Regulations HSE 25-R (Residential on-site waste Water Disposal) are met. A copy of Regulation HSE 25-R shall be on file in the Office of the Fort Wayne-Allen County Board of Public Health.

Sec. 14-73

Upon issuance of a Construction Permit, the permittee may commence installation and construction of the private sewage disposal system in compliance with the Permit issued therefor. The Fort Wayne-Allen County Health Officer may inspect the work at any stage of construction. Upon substantial completion of the installation, the permittee shall notify the Fort Wayne-Allen County Health Officer that the work is ready for inspection and no portion of the installation shall be covered until the inspection is made. No portion of the installation shall be used and, when the system serves a new building, no person shall be permitted to use the building or buildings until the inspection has been completed and the system is found to be in compliance with the Permit. The inspection shall be made within two (2) working days of the receipt of notice by the Fort Wayne-Allen County Health Office that the system is ready for inspection.

Sec. 14-74 Enforcement.

The provisions of this Article shall be enforced by the Fort Wayne-Allen County Board of Public Health and their authorized representatives.

Sec. 14-75. Penalty.

Any person who violates or fails to comply with any provision of this Article shall, upon conviction thereof, be fined not less than One Hundred and No/100 Dollars (\$100.00) and not more than One Thousand and No/100 Dollars (\$1,000.00). Each day's violation shall be a separate offense. Said fines shall be paid to the City of Fort Wayne General Fund.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall affect the validity of any other section, sentence, clause, paragraph, part or provision of this ordinance which can be given meaning without such invalid part or parts.

SECTION 3. All ordinances or parts of ordinances and sections of the Municipal Code of the City of Fort Wayne of 1974 in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and the legal publication thereof.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico

Nays: One

Schmidt

Date: 9-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-28-82 on the 28th day of September, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 4th day of October, 1982, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-10-07

RESOLUTION NO. R-54-82

A RESOLUTION approving application
for 36 additional Section 8 Moderate
Rehabilitation Units

WHEREAS, the Housing Authority of the City of Fort Wayne, Indiana, a separate public body corporate and politic, created and existing under Indiana state statute and activated by resolution of this body pursuant to the provisions of such statute, proposes to apply to the United States Department of Housing and Urban Development, under Section 8 of the United States Housing Act of 1947, as amended, Housing Assistance Payment Program Funds under the Moderate Rehabilitation Program, to be used to provide rental assistance to eligible families in the City of Fort Wayne, as follows:

5 - one bedroom units

23 two bedroom units

8 - three bedroom units

36 - TOTAL UNITS

which, when added to the 217 moderate rehabilitation rental assistance units presently authorized, will make a total of 253 such units in the City of Fort Wayne; and

WHEREAS, said state statute requires the Housing Authority to obtain the approval of this body as its activating agency before instituting such Rental Assistance Payments Project; and

WHEREAS, it is the sense of this body that such program proposed by the Housing Authority will be of benefit to many deserving Fort Wayne citizens and to the community as a whole.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the aforesaid proposed Housing Assistance Payments Project of the Housing Authority of the City of Fort Wayne, Indiana, be and the same is hereby approved.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-54-82 on the 12th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-08-09

GENERAL ORDINANCE NO. G-29-82

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof

WHEREAS, a petition to vacate a public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Plan Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512 and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate:

the first alley south of Taylor Street from the east property line of Phenie Street to the west property line of the first alley east of Phenie Street, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #12 in Michael's Addition, said point also being the intersection of the south right-of-way line of an east/west alley and the east right-of-way line of Phenie Street; thence east along the north line of said Lot #12 a distance of 150 feet to its northeast corner; thence north and parallel to the east right-of-way line of Phenie Street a distance of seven feet to the southeast corner of a parcel of ground known as part of Lot #17 in Ewing's Out Lots; thence west along the south line of said corner also being the intersection of the north line of an east/west alley and the east line of Phenie Street; thence south along the east right-of-way line of Phenie Street a distance of seven feet to the Point of Beginning,

and which vacating amends the Comprehensive Plan of the City of Fort Wayne, and is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, due public hearing thereon, and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-29-82 on the 12th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-43

SPECIAL ORDINANCE NO. S-185-82

AN ORDINANCE approving Change Order
No. 1 and Final, Resolution No. 1025-81,
South Dellwood Park, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Resolution No. 1025-81, South Dellwood Park, with Brooks Construction Co., Inc., in connection with the Board of Public Works, for:

the reduction of length and realignment
of pipe in the field, causing reduction
in the amount of street surface restoration;

involving a net decrease in the amount of Three Thousand Thirty-Eight and 80/100 Dollars (\$3,038.80), as more particularly set out in the specifications, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, STier, Talarico

Nays: None

Date: 10-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as No. S-185-82 Special Ordinance on the 12th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-44

SPECIAL ORDINANCE NO. S-187-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-012524 with
Almetek Industries, Inc. for the
Street Lighting Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A012524 between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and Almetek Industries, Inc. for:

the purchase of pole tags used in marking
poles for the Street Engineering Department;

involving a total cost of Nineteen Thousand TwentyFour and No/100 Dollars (\$19,024.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 10-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-187-82 on the 12th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-09-45

SPECIAL ORDINANCE NO. S-186-82

AN ORDINANCE approving a Contract
between the Fort Wayne Water Utility
and Huguenard Corporation for the
construction of a water main system,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 8, 1982 between the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Huguenard Corporation, for:

the construction of a water main system
to service the Congressional Industrial
Park, Section I;

of which said Huguenard Corporation shall pay the entire cost and expense, all as more particularly set forth in said Contract, which is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, STier, Talarico
Nays: None

Date: 10-12-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-186-82 on the 12th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October,

1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 18th day of October, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-09-42 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE amending General
Ordinance No. G-14-81 dealing
with animals

Section 1. That portion of Section 6-1 of General Ordinance No. G-14-81 entitled Restraint is hereby repealed in its entirety and the following is substituted therefor:

RESTRAINT: Any animal secured by leash or lead, or under the physical control of the animal's owner or attending party, or within the real property limits of its owner.

Section 2. The following amendments are also made to General Ordinance No. G14-81:

Section 6-4-(1) is repealed in its entirety and the following is substituted therefor:

No person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements.

Section 6-4-(26) is repealed in its entirety and the following is substituted therefor:

No person shall allow the continuous barking, yelping, whining, or howling of a dog. The animal control officer shall take steps to immediately correct the situation and cause the noise to be abated, either through issuance of a citation, or impounding the animal if no owner or agent can be found at the time of the disturbance.

Article VII Penalties/Violations Section 21 is repealed in its entirety and the following is substituted therefor:

ARTICLE VII

PENALTIES/VIOLATIONS

Section 6-21 PENALTIES/VIOLATIONS

- (1) Violators of this ordinance shall be fined not less than fifteen dollars (\$15.00) nor more than sixty dollars (\$60.00).
- (2) Each offense shall be considered as a separate offense and subject to fine and/or other disposition as herein provided.
- (3) In the event that an animal is retained at the Shelter because its owner has been in violation of this ordinance, the person redeeming the animal by paying the fine shall also be subject to paying for medical bills incurred for routine shots for animals at the Animal Control Shelter.
- (4) Violators, upon conviction, may be given the opportunity to work at the Animal Control Shelter and/or participate in a humane education program, if so recommended by the court.
- (5) Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.

- (6) Violations of any provision of this ordinance may result in revocation of any permits.

Section 3.. In all respect except as herein repealed and amended said General Ordinance No. G-14-81 shall be in full force and effect.

Section 4.. SEVERABILITY

- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 5. EFFECTIVE DATES OF THIS ORDINANCE

- (1) This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication or legal posting thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Burns, Schmidt, Schomburg, Talarico
Nays: Four
Bradbury, Eisbart, GiaQuinta, Stier
Abstained: One
Scruggs

Date: 10-26-82

Charles W. Westerman
City Clerk

BILL NO. S-82-10-01

188-82

SPECIAL ORDINANCE NO. S-

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA
VARIABLE RATE DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS
(RYDER TRUCK LINES, INC. PROJECT) SERIES 1982
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana is a "unit" as
such is defined by Indiana Law and is authorized by I.C.
36-7-12-1 et seq (the Act) and has established a Department of
Economic Development known as the Fort Wayne Economic
Development Commission, and further is authorized by the Act to
issue bonds for the purposes described in the Act; and

WHEREAS, the Fort Wayne Economic Development Commission
has rendered its project report for the Ryder Truck Lines, Inc.
Project regarding the financing of proposed economic develop-
ment facilities for Ryder Truck Lines, Inc., and the Fort Wayne
Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission
conducted a public hearing on October 7, 1982, and also adopted
a Resolution on October 7, 1982, which Resolution has been
transmitted to this Common Council, finding that the financing
of certain economic development facilities for Ryder Truck
Lines, Inc. complies with the purposes and provisions of the
Act and that such financing will be of benefit to the health
and welfare of the City of Fort Wayne and its citizens, and
further finding as follows:

- a. The financing will not create an unjustified com-
petitive disadvantage with other companies within the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creation or retention of
a significant number of jobs;
- d. The project being financed would not be undertaken
without tax exempt financing; and

WHEREAS, the Fort Wayne Economic Development Commission
has approved and recommended the adoption of this form of
Ordinance by this Common Council and has approved the substan-
tially final form of and has transmitted for approval by the
Common Council the Installment Sale Agreement, Mortgage,
Security Agreement and Assignment of Rents, Indenture of Trust,
form of Series 1982 Bond, preliminary form of Placement and
Remarketing Agreement, and request to have Chemical Bank appointed
as Placement Agent for the bonds; and

WHEREAS, it is contemplated that Chemical Bank will issue
an Irrevocable Letter of Credit at the request of Ryder Truck
Lines, Inc. in favor of the Trustee as set forth in the above-
mentioned documents as security for the payment of the prin-
cipal of and interest on the Series 1982 Bonds and Ryder Truck
Lines, Inc. will agree to reimburse the Chemical Bank for
amounts drawn under the Letter of Credit pursuant to a Letter
of Credit Agreement between Ryder Truck Lines, Inc. and
Chemical Bank;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the
economic development facilities referred to in the Installment
Sale Agreement, Mortgage, Security Agreement and Assignment of
Rents, and Placement and Remarketing Agreement, approved by the
Fort Wayne Economic Development Commission and presented to the
Common Council, the issuance and sale of the revenue bonds, to
be used for the acquisition and construction of the economic
development facilities and the securing of said bonds by the
mortgaging of the land and buildings included in the project to
the Trustee and the Chemical Bank, and the further securing of
the bonds by the issuance of the Irrevocable Letter of Credit
by the Chemical Bank, complies with the purposes and provisions
of I.C. 36-7-12 and will be of benefit to the health and welfare

1 of the City of Fort Wayne and its citizens.

2 SECTION 2. The Common Council further finds that (a) the
3 financing will not create an unjustified competitive disadvan-
4 tage to other companies within the area; (b) the financing will
5 stimulate the local economy; (c) the financing will result in
6 the creation or retention of a significant number of jobs; and
7 (d) the project would not be undertaken without tax exempt
8 financing.

9 SECTION 3. The substantially final forms of the
10 Installment Sale Agreement, Mortgage, Security Agreement and
11 Assignment of Rents, Indenture of Trust, form of Series 1982 Bond,
12 preliminary form of Placement and Remarketing Agreement and request
13 to appoint Chemical Bank as Placement Agent for the bonds, approved
14 by the Fort Wayne Economic Development Commission are hereby
15 approved and all such documents (herein collectively referred
16 to as the "Financing Agreement" referred to in I.C. 36-7-12),
17 are hereby approved, and all such documents shall be incor-
18 porated herein by reference and shall be inserted in the minu-
19 tes of the Common Council and kept on file by the Clerk. In
20 accordance with provisions of I.C. 36-1-5-4 two (2) copies of
21 all such documents are on file in the office of the Clerk for
22 public inspection.

23 SECTION 4. The City of Fort Wayne, Indiana shall issue
24 its City of Fort Wayne, Indiana Variable Rate Demand Industrial
25 Development Revenue Bonds (Ryder Truck Lines, Inc. Project)
26 Series 1982, in the total principal amount of \$400,000.00 and
27 in denominations of \$5,000.00 and any integral multiple
28 thereof, maturing approximately ten years from the date of issuance,
29 but subject to mandatory or optional redemption as set forth in the
30 Bonds, for the purpose of procuring funds to pay the cost of
31 acquisition and construction of the economic development faci-
32 lities as more particularly set out in the Installment Sale
Agreement, Mortgage, Security Agreement and Assignment of Rents,

1 and Indenture of Trust, incorporated herein by reference, which
2 Bonds will be payable as to principal, premium, if any, and
3 interest from payments made by Ryder Truck Lines, Inc. under
4 the Installment Sale Agreement, and, if necessary, from the
5 Irrevocable Letter of Credit of the Chemical Bank as provided
6 in the above-described documents and the Letter of Credit
7 Agreement and Irrevocable Letter of Credit. The Bonds are to
8 be issued in a fully registered form and numbered R-1 upwards,
9 may be assigned and transferred pursuant to the Indenture of
10 Trust; payments of principal and interest are payable in lawful
11 money of the United States of America at the principal trust
12 office of the Trustee or, at the option of the holder thereof,
13 at the principal corporate trust office of any co-paying agent
14 appointed in accordance with the Indenture of Trust, provided,
15 however, payment of interest alone shall be made to the
16 registered owner thereof to such registered owner at his or her
17 address as it appears on the registration books of the Issuer;
18 the Bonds are subject to optional and mandatory redemption and
19 on demand of the holders thereof as provided in the Bonds and
20 the Indenture of Trust. The Bonds shall never constitute a
21 general obligation of, an indebtedness of, or a charge against
22 the general credit of the City of Fort Wayne, nor are the Bonds
23 payable in any manner from revenues raised by taxation.

24 SECTION 5. The Mayor and Clerk are authorized and
25 directed to sell the Bonds to the purchasers thereof at a rate
26 of interest and a price as set forth in the Indenture of Trust.
27 Interest on the Series 1982 Bonds shall first accrue from and
28 including the date of the first authentication and delivery of
29 Series 1982 Bonds to and including the last day of the calendar
30 month in which such date occurs at a percentage not less than 68%
31 nor more than 72% of the yield applicable to 13-week United States
32 Treasury Bills, as may be designated by Ryder Truck Lines, Inc. and

1 approved by the Mayor and Clerk, determined on the basis of the
 2 average per annum bond equivalent rate at which such 13-week
 3 Treasury Bills have been sold at the most recent Treasury auction
 4 preceeding the date of the first authentication and delivery of the
 5 Series 1982 Bonds, or at such other rate, not in excess of 20%, as
 6 may be approved by subsequent resolution of the Issuer. Thereafter,
 7 the Series 1982 Bonds shall bear interest from and including an
 8 Interest Payment Date (as defined in the Indenture of Trust) to and
 9 including the day next preceeding the succeeding Interest Payment
 10 Date (each such period being hereinafter called an "Interest --
 11 Period") at a rate equal to the Interest Index, hereinafter defined;
 12 provided, however that (i) from and after the date of an Event of
 13 Taxability (as defined in the Indenture of Trust), the Series 1982
 14 Bonds shall bear interest at the Taxable Rate, as defined in the
 15 Indenture of Trust, and (ii) in no event shall the interest rate
 16 borne by the Series 1982 Bonds exceed twenty percent (20%) per
 17 annum.

18 The "Interest Index" for any Interest Period shall mean a
 19 percentage of not less than 68% nor more than 72% of the yield
 20 applicable to 13-week United States Treasury Bills, as may be
 21 designated by Ryder Truck Lines, Inc. and approved by the Mayor and
 22 Clerk, determined on the basis of the average per annum bond equiva-
 23 lent rate at which such 13-week Treasury Bills have been sold at the
 24 Treasury auction during the preceding Interest Period. If no such
 25 auction shall have been conducted during the next preceding Interest
 26 Period, the Interest Index during such Interest Period shall be the
 27 same as for such preceding Interest Period. If any of the Series
 28 1982 Bonds is tendered for redemption pursuant to Section 2.02(f) of
 29 the Indenture of Trust, and, if on the date of receipt of notice of
 30 such redemption, the "MSES 30-Day Index" prepared from time to time
 31 by Municipal Securities Evaluation Services, Inc., a subsidiary of
 32 J.J. Kenney Co., Inc., is higher than such Interest Index, the

1 Interest Index during each succeeding Interest Period shall be the
 2 higher of the percentage designated as aforesaid of the yield appli-
 3 cable to 13-week Treasury Bills, determined as aforesaid, and the
 4 MSES 30-Day Index in effect on the first day of such Interest
 5 Period. If the MSES Index is not available, an index (the
 6 "Commercial Paper Index") which is regularly prepared by an indepen-
 7 dent banking firm, financial institution or rating service for
 8 yields on tax-exempt commercial paper or other tax-exempt securities
 9 of comparable maturities rated the highest rating by Moody's
 10 Investment Service, Inc., Standard and Poor's Corporation or other
 11 nationally recognized rating service, or deemed equivalent thereto
 12 by the entity preparing such Index, shall be substituted therefor,
 13 if available. If there exists more than one Commercial Paper Index,
 14 the one giving the highest yield shall be used for the purposes
 15 hereof. The Company and the Issuer may at any time select another
 16 comparable index in place of any of the foregoing provided that the
 17 selection and use of such index will not, in the opinion of Bond
 18 Council, adversely affect the exemption of interest on the Series
 19 1982 Bonds from federal income taxation.

20 SECTION 6. The Mayor and Clerk are authorized and
 21 directed to execute, attest, affix or imprint by any means the
 22 City seal to the documents constituting the Financing Agreement
 23 approved herein on behalf of the City and any other documents
 24 which may be necessary or desirable to consummate the transac-
 25 tion, including the Bonds authorized herein and approve the final
 26 form of the Placement and Remarketing Agreement and such other
 27 changes on the Financing Agreement as they may deem necessary or
 28 advisable. The signatures of the Mayor and Clerk on the Bonds
 29 may be either manual or facsimile signature. The Clerk is
 30 authorized to arrange for delivery of such bonds to the Trustee
 31 named in the Indenture of Trust, payment for the Bonds will be
 32 made to the Trustee named in the Indenture of Trust, and after

1 such payment the Bonds will be delivered by the Trustee to the
 2 purchasers thereof. The Mayor and Clerk shall execute and the
 3 Clerk shall deliver the Bonds to the Trustee within ninety days.
 4 of the adoption of this Ordinance. The Bonds shall be initially
 5 dated as of the date of issuance and delivery.

6 SECTION 7. The provisions of this Ordinance and the
 7 Indenture of Trust securing the Bonds shall constitute a
 8 contract binding between the City of Fort Wayne and the holders
 9 of the City of Fort Wayne, Indiana Variable Rate Demand
 10 Industrial Development Revenue Bonds (Ryder Truck Lines, Inc.
 11 Project) Series 1982, and after the issuance of said Bonds,
 12 this Ordinance shall not be repealed or amended in any respect
 13 which would adversely affect the rights of such holder so long
 14 as said Bonds or the interest thereon remains unpaid.

15 SECTION 8. This Ordinance shall be in full force and
 16 effect from and after its passage and signing by the Mayor.

17 Mark E. GiaQuinta
 18 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by
 Stier and duly adopted, placed on its passage. Passed by the following
 vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt,
 Schomburg, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
 Indiana as Special Ordinance No. S-188-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
 the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour
 of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-10-03

SPECIAL ORDINANCE NO. S-189-82

AN ORDINANCE approving a Contract
between the City of Fort Wayne and
Miller-Davis Company for the construction
of the Civic Center Parking Garage, Phase II,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 17, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Miller-Davis Company, for:

the complete construction of a new Civic Center Parking Garage - Phase II, for the City of Fort Wayne, located on the North side of Jefferson Street between Calhoun and Clinton Streets;

involving a total cost of Two Million Five Hundred Eighty-Eight Thousand Four Hundred and No/100 Dollars (\$2,588,400.00), all as more particularly set forth in said Contract, which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Eisbart, GiaQuinta, Schomburg, Scurggs, Stier, Talarico
Nays: One
Burns
Abstained: One
Schmidt

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-189-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-05

SPECIAL ORDINANCE NO. S-190-82

AN ORDINANCE approving the telephone communications system bid award to KLF Electronics, Inc.

WHEREAS, the City of Fort Wayne has received bids with respect to the City's telephone communications system; and

WHEREAS, it is the City's desire to award the Lease-Purchase Contract for such system to KLF Electronics, Inc.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City's telephone communications system bid award, bid numbers 1052 and 1053, in the total amount of Four Hundred Forty-Nine Thousand Six Hundred Seventy-Five and No/100 Dollars (\$449,675.00), (a total five year Lease cost including interest, of \$604,093.20), to KLF Electronics, Inc. is hereby approved. Copies of all bid documents, specifications, and the like with respect to the telephone communications system bid are on file in the Office of the Department of Purchasing.

SECTION 2. Authority is hereby given to execute any and all documents, including the Lease-Purchase document, to consummate the award made.

SECTION 3. Attached hereto, as a part hereof, as Exhibit "A: is a copy of the Purchasing Agent's ward as herein approved by this Common Council. Two copies of which are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Stier, Talarico
Nays: Two
Schmidt, Schomburg

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-190-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-10-02

RESOLUTION NO. R-55-82

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$10,000,000 ECONOMIC REVENUE BONDS
OF THE CITY OF FORT WAYNE, INDIANA, FOR
THE PURPOSE OF INDUCING THE APPLICANT,
THE CENTRIUM GROUP TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, The Centrium Group (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an acquisition of land and improvements located on the south half of the block bounded by Clinton, Wayne, Barr and Berry Streets in the City of Fort Wayne, and usually referred to as the Ayres Building plus the real estate in the north half of said block, currently owned by the same entity which owns the old Ayres Building, together with construction and renovation of said old Ayres Building, for use as a combination retail and office building to be leased to unrelated tenants, including the costs of issuance (the "Project"); and o

WHEREAS, the diversification of industry and an increase in approximately 200 construction jobs and up to 2,000 jobs for tenants within the building within three years to be achieved by the acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operation in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passsge of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-55-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-10-06

RESOLUTION NO. R-56-82

A RESOLUTION approving Resolution
No. 82-32, as adopted by the Fort Wayne
Redevelopment Commission for an amendment
to the Civic Center Renewal Project

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution NO. 82-32, Declaratory Resolution - Amendment to the Civic Center Renewal Project, as adopted by the Fort Wayne Redevelopment Commission on October 7, 1982, providing for conformance to the Master Plan of Development for the City of Fort Wayne, all as more particularly set forth in said Resolution, which is on file in the Office of the Fort Wayne Redevelopment for the City of Fort Wayne, all as more particularly set forth in said Resolution, which is on file in the Office of the Fort Wayne Redevelopment Commission and is attached hereto, as a part hereof, as if fully set out herein, be and the same is hereby in all things ratified, confirmed and approved. Two copies of said Resolution are on file in the Office of the City Clerk and made available for public inspection according to law.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-56-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-10-16

RESOLUTION NO. R-57-82

A RESOLUTION approving the filing of an application with the U.S. Department of Housing and Urban Development for an Urban Development Action Grant for the Centrium Group

WHEREAS, the Housing and Community Development Act of 1977 authorized the making of grants of federal funds to eligible units of local government for the purpose of carrying out urban development action projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such urban development action grants by virtue of certain conditions of distress; and

WHEREAS, the Common Council of the City of Fort Wayne deems it to be necessary and in the public interest to seek federal grant funds to help alleviate the conditions of distress that affect the city; and

WHEREAS, the City of Fort Wayne, working with a local private company has proposed a project that appears to be suitable for an urban action grant;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows;

a. To file an application for an Urban Development Action Grant in the sum of \$3,000,000.00 with the U.S. Department of Housing and Urban Development, in accordance with the Department's regulations, entitled the Centrium Group Project.

b. To serve as the authorized representative of the City of Fort Wayne in connection with the application and to provide HUD with such additional information, documentation, understandings, or assurances as may be required.

c. To execute such other documents as may be required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments and revisions thereto.

d. The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board or commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-57-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-10

DECLARATORY RESOLUTION NO. R-58-82

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated August 27, 1982, to have the property described in Exhibit "A", which is attached hereto and made a part hereof, designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.1-12.1; and

WHEREAS, It appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property described in Exhibit "A", which is attached hereto and made a part hereof, is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Bradbury and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
 Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None
 Abstained: Burns
 Absent: One
 Stier

Date: 10-26-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-58-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-82-09-11

DECLARATORY RESOLUTION NO. R-59-82

A DECLARATORY RESOLUTION designating
 an "Urban Development Area" under
 I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated August 5, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

the west 25 feet of Lot #10, Lot #11, and the
 5 foot vacated alley adjoining on the east; and
 the east 1/2 of Lot #12, and the east 20 feet
 of the west 30 feet of Lot #12 in the original
 plat to the Town (now City) of Fort Wayne,
 Allen County, Indiana, according to the
 recorded plat thereof. Also, the east 35 feet
 of Lot #10, in the original plat to the
 Town (now City) of Fort Wayne, Allen County, Indiana;

and

WHEREAS, it appears that said petition should be precessed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property hereinabove described is hereby designated and declared an "Urban Development Area" under I.C. 61.112.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after

due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and

- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be effective upon passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Talarico
Nays: None
Absent: One
Stier

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-59-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-09

SPECIAL ORDINANCE NO. S-191-82

AN ORDINANCE approving a Contract between the City of Fort Wayne and Edgewood Utilities, Inc., for the sale of assets to the City of Fort Wayne, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Edgewood Utilities, Inc., for:

the sale, transfer, assignment and delivery to the City on the closing date, the lines, conduits, pipes, equipment, easements, appurtenances, fixtures, mains, machinery, hydrants, meters, or other property constituting, or used in, the sewer and water distribution systems in the Service Area, and including a Certificate of Territorial Authority from the Public Service Commission of Indiana authorizing Edgewood Utilities to render sewage service within the service area and referred to as the "purchased assets", all in compliance with EPA requirements;

involving a minimum total cost of Ninety Thousand and No/100 Dollars (\$90,000.00), payable as provided in said Contract, all as more particularly set forth in said Contract, which is on file in the Office of the Board

of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-191-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-10

SPECIAL ORDINANCE NO. S-192-82

AN ORDINANCE approving Change Order
No. 9 Resolution No. 310-80, Phase 1,
St. Joe Interconnect Interceptor,
Federal Grant No. C-180599-06, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 9, Resolution No. 310-80, Phase 1, St. Joe Interconnect Interceptor, Federal Grant No. C-180599-06, with Rocco Ferrera & Co., Inc., in connection with the Board of Public Works, for:

gas line replacement and relocation on project, as a result of direct billing from Northern Indiana Public Service Company;

involving a net increase in the amount of Fifty -Nine Thousand Six Hundred Sixty-Two and 50/100 Dollars (\$59,662.50), all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-192-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-11

SPECIAL ORDINANCE NO. S-193-82

AN ORDINANCE approving Change Order
No. 1 and Final, Resolution No.
1026-81, Southdale Avenue Water Main
Extension, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Resolution No. 102681, Southdale Avenue Water Main Extension, with Scheidleman Excavating, Inc., in connection with the Board of Public Works, for:

the reduction in restoration, moreso
than originally anticipated;

involving a net decrease in the amount of One Hundred Seventy-Five and 79/100 Dollars (\$175.79), all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-193-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-12

SPECIAL ORDINANCE NO. S-194-82

AN ORDINANCE approving Change Order
No. 1 and Final, Resolution No.
1024-81, Ludwig Road Water Main, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Resolution No. 102481, Ludwig Road Water Main, with Scheidleman Excavating, Inc., in connection with the Board of Public Works, for:

additional work and materials necessary to
complete the project due to unknown under
ground utility locations encountered;

involving a net increase in the amount of Four Hundred Sixty-Eight and 52/100 Dollars (\$468.52), all as more particularly set forth in the specifications, which are on file in the Office of the Board of Public Works and are by reference incorporated herein, made a part hereof and are hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-194-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. S-82-10-13

SPECIAL ORDINANCE NO. S-195-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-012649, with
Tri-State Plumbing, for the Water
Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-012649, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and Tri-State Plumbing, for:

two (2) 24" Butterfly Valves for the
Water Maintenance and Service Department;

involving a total cost of Seven Thousand Nine Hundred Sixty and 36/100 Dollars (\$7,960.36), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-195-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-14

SPECIAL ORDINANCE NO. S-196-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-012681, with
S.E. Jahn Co., Inc., for the Water
Pollution Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-012618, between the City of Fort Wayne,

by and thorough the City Utilities Purchasing Agent, and the Board of Public Works and S.E. Jahn Co., Inc., for:

the repair of roofs located at the Morton,
Nebraska and Tecumseh Lift Stations for
The Water Pollution Control Plant;

involving a total cost of Eight Thousand Three Hundred Sixty-Three and 80/100 Dollars (\$8,363.80), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things, ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 10-26-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-196-82 on the 26th day of October, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-15

SPECIAL ORDINANCE NO. S-197-82

AN ORDINANCE approving City Utilities
Purchase Orders Nos. A-012639 and A-012640,
with Allen County Motors for the Water
Pollution Control Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders Nos. A-012639 and A-012640, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and Allen County Motors, for:

the purchase of two (2) 3/4 ton pick-up trucks with hydraulic lifts to replace two (2) worn out vehicles that will be traded in, for the Water Pollution Control Maintenance Department;

involving a total cost of Twenty-One Thousand Nine Hundred Twenty-Two and 12/100 Dollars (\$21,922.12). Of said total cost, Purchase Order No. A-012639 involves a cost of Fourteen Thousand Four Hundred Thirty-Two and 12/100 Dollars (\$14,432.12) and Purchase Order No. A-012640 involves a cost of Seven Thousand Four Hundred Ninety and No/100 Dollars (\$7,490.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 10-26-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-197-82 on the 26th day of October, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of October, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of October, 1982, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-10-18

ZONING MAP ORDINANCE NO. Z-19-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-1 (Light Industrial) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974:

Lots 19, 20, 22, 23 24, 25, 26 & 27 in
Fernhill Amended Addition,

and the symbols of the City of Fort Wayne Zoning Map No. M-1, as established by Section 11 of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Absent: One

GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-19-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-04

SPECIAL ORDINANCE NO. S-198-82

an ORDINANCE further fixing and establishing
the salaries of fire fighters of the Fort
Wayne Fire Department

WHEREAS, the Common Council of the City of Fort Wayne, Indiana has previously passed a Salary Ordinance for the year 1983, said Ordinance referenced as Bill No. S8207-20; and

WHEREAS, at the time of passage of said Salary Ordinance all collective bargaining matters by and between the City of Fort Wayne and the Fort Wayne Professional Fire Fighters Union, Local 124, had not been completed; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana authorized in said Salary Ordinance further collective bargaining, and urthermore, said Common Council recognized the fact the collective bargaining process would not be completed by the time of passage of the 1983 Salary Ordinance, and

WHEREAS, the collective bargaining process by and between the City of Fort Wayne and the Fort Wayne Professional Fire Fighters Union, Local 124, has now been completed; and

WHEREAS, the Board of Public Safety has approved allwage matters emanating from the collective gargaining process; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana has authority, pursuant to I.C. 36-8-3-3 (d), to fix the annual compensation of all members of the Fort Wayne Fire Department after the SEcond day of August; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana desires to more fully set the compensation and salary of those members of the Fort Wayne Fire Department represented by the Fort Wayne Professional Fire Fighters Union, Local 124.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne, Indiana does hereby further

fix and establish the compensation and salaries for those fire fighters of the City of Fort Wayne Fire Department represented by the Fort Wayne Professional Fire Fights Union, Local 124, by approving the attached agreement by and between the City of Fort Wayne and such Union. Said attached agreement made a part hereof and further, two copies of same are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That all provisions of the Salary Ordinance for the year 1983 pertaining to compensation and other matters dealing with fire fighters are still in full force and effect and this Ordinance is passed in conjunction therewith.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision, and the remaining parts of this Ordinance shall remain in full force and effect.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-198-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-21

SPECIAL ORDINANCE NO. S-199-82

AN ORDINANCE approving Change Order No. 2 and Final, Resolution No. 324-80, Project No. C-180599-07, Spy Run Study Area, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and Final, Resolution No. 324-80, Project No. C-180599-07, Spy Run Study Area, with Bercot, Inc., in connection with the Board of Public Works, for:

savings in resurfacing costs;

involving a net decrease in the amount of Thirty Thousand Four Hundred Thirty-Two and 09/100 Dollars (\$30,432.09), all as more particularly set forth in the specifications and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-199-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-22

SPECIAL ORDINANCE NO. S-200-82

AN ORDINANCE approving Water Contract
82-XP-3, Cook Road Industrial &
Research Center, with Earth Construction
and Engineering, Inc., in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water Contract 82XP3, Cook Road Industrial & Research Center, dated September 8, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Earth Construction and Engineering, Inc., for:

the installation of a water main on Hatfield Road from Washington Center Road northward to Ludwig Road;

involving a total cost of One Hundred Ten Thousand Four Hundred Forty-Five and No/100 Dollars (\$110,445.00), all as more particularly set forth in said contract which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None
 Absent: One
 GiaQuinta

Date: 11-9-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S=200-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-10-23

SPECIAL ORDINANCE NO. S-201-82

AN ORDINANCE approving Water Contract
 82-XP-4, Cook Road Feeder Main, with
 T.G. Excavating, Inc., in connection
 with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water Contract 82XP4, Cook Road Feeder Main, dated September 22, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and T.G. Excavating, Inc., for:

1955 + Lateral Feet of 16 inch Ductile Iron Water Main Pipe, including all necessary fittings, as follows: On Cook Road, beginning at an existing 16 inch water main located 630 + West of Tangerine Lane, thence East along Cook Road a distance of 1955 + feet to an existing 12 inch water main;

involving a total cost of Fifty Thousand Seven Hundred Eleven and 60/100 Dollars (\$50,711.60) all as more particularly set forth in said contract which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scurggs, Stier, Talarico
 Nays: None
 Absent: One
 GiaQuinta

Date: 11-9-82 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-201-82 on the 9th day of November, 1982.

ATTEST (SEAL)

Charles W. Westerman Samuel J. Talarico
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-10-24

SPECIAL ORDINANCE NO. S-202-82

AN ORDINANCE approving Change Order
 No. 5 and Final, Resolution No. 310-80,
 Project No. C-180599-06, St. Joe Interceptor
 Interconnect, Phase III, in connection
 with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 and Final, Resolution No. 310-80, Project No. C180599-06, St. Joe Interceptor Interconnect, Phase III, with Joe R. Norman Contractors, Inc. in connection with the Board of Public Works, for:

the actual quantities and materials used
 to close out the project;

involving a net decrease in the amount of Twenty-One Thousand Two Hundred Fifteen and 65/100 Dollars (\$21,215.65), all as more particularly set forth in the specifications, and which is in file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
 Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None
 Absent: One
 GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-202-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-25

SPECIAL ORDINANCE NO. S-203-82

AN ORDINANCE approving Change Order
No. 3, Resolution NO. 347-80, Project
No. C-180599-09, Junk Ditch Study Area,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, Resolution No. 34780, Project No. C-180599-09, Junk Ditch Study Area, with Richard Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

the addition of asphalt in lieu of chip and
seal surface for street restoration and the
replacement of tile to existing sewer;

involving a net increase in the amount of Thirty-One Thousand Fifty-Four and No/100 Dollars (\$31,054.00), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-203-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-26

SPECIAL ORDINANCE NO. S-204-82

AN ORDINANCE approving Change Order
No. 1 and Final, Resolution No. 362-82,
DSR 047099, Group Two Sewer Repairs,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Resolution No. 36282, DSR 047099, Group Two Sewer Repairs, with Land Excavating, Inc., in connection with the Board of Public Works, for:

the relocation of a six inch gas line

involving a net increase in the amount of Six Thousand Six Hundred Twenty-Seven and No/100 Dollars (\$6,627.00), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Brsdbury, Burns, Eisbart, Schmidt, Schomburg, Scurggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-204-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-27

SPECIAL ORDINANCE NO. S-205-82

AN ORDINANCE approving City Utilities
Purchase Order No. A-012475 with
V. R. Myers Pump & Supply, for the
Water Maintenance and Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A012475 between the City of Fort Wayne, by and through the City Utilities Purchasing Agent, and the Board of Public Works and V.R. Myers Pump & Supply, for:

a blanket purchase of curb boxes, not
to exceed the amount of 700, for the Water
Maintenance and Service Department;

at involving a total cost of Ten Thousand Nine Hundred Ninety-Seven and No/100 Dollars (\$10,997.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-205-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-10-28

SPECIAL ORDINANCE NO. S-206-82

AN ORDINANCE approving Change Orders
No. 3, 4 and 5, Project No. C-180774-03,
Water Quality Control Project, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Orders No. 3, 4 and 5, Project No. C18077403, Water Quality Control Project, with Hagerman-Shambaugh, Joint Bidders, in connection with the Board of Public Works, for:

the reduction of work to be performed on
the federally funded AWT Project, Phases
A, B, and C, at the Water Pollution Control
Plant;

involving a total net decrease in the amount of Three Hundred Twenty-Eight Thousand Nine Hundred Thirty-Six and No/100 Dollars (\$328,936.00), (Change Order No. 3 involves a decrease in the amount of \$234,055.00; Change Order No. 4 involves a decrease in the amount of \$92,729.00; and Change Order No. 5 involves a decrease in the amount of \$2,152.00), all as more particularly set forth in the specifications, and which are on file in the Office of the Board of Public Works, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 11-9-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-206-82 on the 9th day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-09-33 (AS AMENDED)

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE regulating the hiring
of consultants by the City of
Fort Wayne, Indiana

WHEREAS, IC 36 does not fully regulate procedures for hiring of consultants and other persons, firms and corporations who furnish information, advice and counsel to the City of Fort Wayne, Indiana, in the administration of its government; and,

WHEREAS, IC 36-4-6-18 confers upon the legislative body (Common Council) authority to pass Ordinances, Orders, Resolutions and Motions for the government of the City, the control of the City's property and finances and the appropriation of money; and,

WHEREAS, it is necessary for the City of Fort Wayne, Indiana to supplement the procedure given it under IC 36.

THEREFORE BE IT HEREBY ORDAINED THAT:

Section 1. Pursuant to IC 36-1-3-4 (b) and IC 36-4-6-18 there is hereby adopted this Ordinance prescribing an exclusive manner for the exercising of the power of contracting with and employing of consultants by the City of Fort Wayne, Indiana either in the exercise of its civil jurisdiction or in the exercise of power over any city owned and/or operated utilities.

Section 2. All contracts and/or contractual arrangements to employ or to utilize the services of a consultant for the City of Fort Wayne, Indiana either for civil or utility purposes, shall be approved by the Common Council of the City of Fort Wayne, Indiana by ordinance duly passed by said Common Council and approved by the Mayor of the City of Fort Wayne, Indiana prior to the consultant's employment.

Section 3. In case of emergency only the City of Fort Wayne, Indiana, may enter into contracts or agreements for the hiring and employment of consultants.

Section 4. The term "emergency" means a situation that could not reasonably be foreseen and that threatens the public health, welfare or safety and requires immediate action.

Section 5. The words "consultant" and consultants" whenever used in this Ordinance shall mean any person or persons, firm or firms, corporation or corporations who consults with or who gives professional or expert advice on a subject or subjects or who provides a source of advice or opinion and who is available and utilized to throw light on a subject under consideration.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Donald J. Schmidt
Councilman

Read the third time in full and on motion by Schmidt, seconded by Schomburg and duly adopted, placed on its passage LOST by the following vote:

Ayes: Three

Burns, Schmdit, Schomburg

Nays: Five

Bradbury, Eisbart, Scruggs, Stier, Talarico

Absent: One

GiaQuinta

Date: 11-9-82

Charles W. Westerman
City Clerk

BILL NO. S-82-11-01

SPECIAL ORDINANCE NO. S-207-82

AN ORDINANCE approving a certain contract
for the employment of an engineer for
airport improvements, in connection with the
Board of Aviation Commissioners

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain engineering contract dated October 21, 1982, between the City of Fort Wayne, Indiana, by and through its Board of Aviation Commissioners and Richard B. Wetzel, d/b/a Wetzel Engineers, consulting engineer, for:

airport improvements, providing for initial engineering services relative to the purchase of a high-speed broom and chassis, updating the Airport Layout Plan, and expanding, marking, and lighting the air carrier terminal apron;

involving a total cost of Seventy-Eight Thousand Five Hundred Eighty-Eight and No/100 Dollars (\$78,588.00), and adjustments, all as more particularly set forth in said contract, which is on file with the Office of the Board of Aviation Commissioners, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scrggs, Stier, Talarico
Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-207-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-02

SPECIAL ORDINANCE NO. S-208-82

AN ORDINANCE approving a bid document
with Boardman's Gravely Sales for the
Park Department, in connection with
the Board of Park Commissioners

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document dated October 19, 1982, reference number 1056, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Park Commissioners, and Boardman's Gravely Sales, for:

the purchase of two (2) 60" Riding Mowers for the Park Department;

involving a total approximate cost of Seven Thousand Eight Hundred and No/100 Dollars (\$7,800.00), all as more particularly set forth in said bid document reference unnumber 1056, and Purchase Order number A-20724, and which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-208-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-04

RESOLUTION NO. R-60-82

A RESOLUTION authorizing the City of Fort Wayne to borrow \$60,000.00 from the State of Indiana for the purpose of loaning same to Customcraft, a division of ICON, Incorporated

WHEREAS, I.C. 4-4-8 authorizes the State of Indiana to loan monies to municipalities for the purpose of improving development in said municipalities; and

WHEREAS, the City of Fort Wayne has been contacted by Customcraft, a division of ICON, Incorporated, concerning the addition of sewer lines to their property so that they may expand their operations; and

WHEREAS, said sewer line will cost approximately One Hundred Ten Thousand Dollars (\$110,000.00) and Customcraft is willing to make payment of Sixty Thousand and No/100 Dollars (\$60,000.00) for said sewer line, as hereinafter set out.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne hereby authorizes Mr. Karl Bandemer, as Director of the Department of Economic Development, to make application to the State of Indiana for a loan of Sixty Thousand and No/100 Dollars (\$60,000.00), pursuant to I.C. 4-4-8, a copy of said application is attached hereto as a part hereof as Exhibit "A".

SECTION 2. The loan shall be a general obligation of the City of Fort Wayne payable by monthly payments from Customcraft, a division of ICON, Incorporated, to the City of Fort Wayne which payments shall then be paid to the State of Indiana in repayment of the loan. The term of the loan shall not exceed ten (10) years at a rate of interest of five and onehalf percent (5½%) per annum.

SECTION 3. That this Resolution shall be in effect from and after its passage and signing by the Mayor, and further Mr. Karl Bandemer is hereby authorized to make such additional and supplemental agreements with the State of Indiana, as required by I.C. 4-4-8.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 11-23-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-60-82 on the 23rd day of November, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-14

SPECIAL ORDINANCE NO. S-209-82

AN ORDINANCE establishing certain
procedures for the provision of
governmental services during emergencies

WHEREAS, the City of Fort Wayne, as a political subdivision of the State of Indiana, has, pursuant to I.C. 36-1-3-2, all powers necessary for the effective operation of government; and

WHEREAS, I.C. 10-4-1-15, and Section 8-1 of the Municipal Code of the City of Fort Wayne, deal with emergency situations affecting municipalities; and

WHEREAS, the City of Fort Wayne desires to more effectively and completely utilize all resources available to provide governmental services to the public in emergency circumstances, and during emergency conditions; and

WHEREAS, the Mayor of the City of Fort Wayne is charged with all necessary responsibilities insuring the efficient government of the City, pursuant to I.C. 36-4-5-3(7); and

WHEREAS, to help insure the proper utilization of resources available to the City of Fort Wayne during emergencies, this Ordinance is necessary.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. For the purpose of this Ordinance, the term "emergency" or "emergencies" shall be defined as those extraordinary situations or conditions, whether caused by nature or otherwise, that would require an unusually high provision of governmental services, or that would disrupt or interfere, or threaten to disrupt or interfere, with the prompt and proper provision of governmental services and/or protection of the general public.

SECTION 2. If an emergency is declared, as hereinafter provided, the following procedures may be utilized by the City of Fort Wayne during such emergency period:

- A. All City property, including but not limited to, vehicles and equipment of the City, its Utilities, and all of its Boards, Commissions, Departments, Authorities and Agencies, may be utilized by the City, as directed by the Mayor, or his designatee(s), during such emergency period, in an effort to deal with the emergency in question;
- B. All personnel of the City, its Utilities, and of all of its Boards, Commissions, Departments, Authorities and Agencies, may be utilized by the City and placed under the direction of the Mayor, or his designatee(s), during such an emergency period, in an effort to deal with the emergency in question; and
- C. Allocation of costs incurred by the utilization of property and personnel for emergencies, as herein indicated, shall be made by the Controller of the City of Fort Wayne, and such allocation shall be promptly reported to the Common Council of the City of Fort Wayne.

SECTION 3. An emergency, as herein referred to, shall be declared by the Mayor, or his designatee(s), by giving immediate written notice thereof to the Common Council of the City of Fort Wayne, and to the general public, via media. Such declaration of emergency shall include the nature of the emergency and the anticipated length thereof.

SECTION 4. This Ordinance shall not be construed to in any way interfere with or limit those emergency powers otherwise provided to the City and its officials.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision, and the remaining parts of this Ordinance shall remain in full force and effect.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-209-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-09-09

GENERAL ORDINANCE NO. G-31-82

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a portion of McAfee Street

WHEREAS, a petition to vacate a portion of McAfee Street (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of McAfee Street, more specifically described as follows, to-wit:

that portion of McAfee Street from its inter
section with Anderson Avenue to its intersection
with the south line of the east-west alley
125 feet north of Anderson Avenue;

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, due public hearing thereon, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-31-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-10-30

GENERAL ORDINANCE NO. G-32-82

AN ORDINANCE amending certain Sections of Chapter 17 of the Municipal Code of City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 2, Section 39, entitled "Increasing State Speed Limits in Certain Zones" of Chapter 17 of the Municipal Code of the City Fort Wayne, Indiana of 1974, be and the same is hereby amended by addint thereto the following:

<u>Street</u>	<u>Speed Limit 35 MPH</u>
	<u>From/To</u>
Winchester Road	Baerfield Thruway Lower Huntington Road

SECTION 2. That Schedule 2, Section 39, entitled "Increasing State Speed Limits in Certain Zones" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting the following:

<u>Street</u>	<u>Speed Limit 40 MPH</u>
	<u>From/To</u>
Winchester Road	Baerfield Thruway Lower Huntington Road

SECTION 3. That Schedule 3, Section 46, entitled "One-Way Streets and Alleys" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Subparagraph (a) thereof, entitled "Streets", the following:

<u>Street/Direction</u>	<u>One-Way Street</u>
	<u>From/To</u>
Violet Court Eastbound	Faifield Avenue Hoagland Avenue

SECTION 4. That Schedule 5, Section 49, entitled "Intersections Where Stop Required" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding thereto the following:

Stop Intersection

Exeter Drive - stop - for Rockwood Drive

SECTION 5. That Schedule 7, Section 90, entitled "Parking Prohibited at All times on Certain Streets" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding thereto the following:

No Parking

<u>Street/Side</u>	<u>From/To</u>
Carew Street Both Sides	East State Boulevard Southern Terminus
Woodshire Drive North Side	350' West of Northgate Boulevard 335' West thereof

SECTION 6. That Schedule 8, Section 90, entitled Parking Prohibited during Certain Hours on Certain Streets" of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding thereto the following:

No Parking 7:00 a.m. to 4:00 p.m. School Days Only

<u>Street/Side</u>	<u>From/To</u>
Colerick Street North Side	John Street 50' West thereof

SECTION 7. That Section 1 (one) and 2 (two) of this ordinance are also made a part of Special Ordinance No. S-59-82, as passed by the Common Council of the City of Fort Wayne. In that regard, those speed limit changes as indicated in Section 1 (one) and 2 (two) hereof shall be certified by the City Clerk and forwarded to the Court that hears and/or adjudicates violations of local speeding ordinances. Furthermore, Sections 1 (one) and 2 (two) of this Ordinance, pertaining to those streets as designated therein, shall be added to the listing as compiled and attached to Special Ordinance No. S-59-82.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 11-23-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-32-82 on the 23rd day of November, 1982

ATTEST	(SEAL)
Charles W. Westerman City Clerk	Samuel J. Talarico Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-06

SPECIAL ORDINANCE NO. S-210-82

AN ORDINANCE approving Street Improvement Resolution No. 5932-82, LaRez Neighborhood, Phase V, with Hipkind Concrete Corporation, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipkind Concrete Corporation, for:

the construction of curbs and sidewalks as needed on: Monroe Street, both sides from Lasalle to Wallace; Clay Street, both sides from Lasalle to Wallace; Masterson, both sides from Monroe to the first alley east of Monroe; and Sutenfield, north side from Warsaw to Caroline Street;

under Board of Public Works Street Improvement Resolution No. 5932-82, involving a total cost of Thirty Thousand Seven Hundred Fifty-Four and 25/100 Dollars (\$30,754.25), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and are made available for public inspection according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-210-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-07

SPECIAL ORDINANCE NO. S-211-82

AN ORDINANCE approving Street Improvement
Resolution No. 5943-82, Pemberton Dike
Area, with Hipkind Concrete Corporation,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipkind Concrete Corporation, for:

1982 Flood Damage Repair in the Pemberton Dike Area, including Federal Emergency Management Agency Survey Reports No. 0411854, 047245, 041880, and 047247;

under Board of Public Works Street Improvement Resolution No. 5943-82, involving a total cost of Fifty-Two Thousand Seventy-Nine and 90/100 Dollars (\$52,079.90), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-211-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL S-82-11-08

SPECIAL ORDINANCE NO. S-212-82

AN ORDINANCE approving Street Improvement
Resolution No. 5939-82, Taylor and
Covington Resurfacing, with Wayne Asphalt
and Construction Company, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Wayne Asphalt and Construction Company, for:

the resurfacing and restoration of pavement as designated on: Taylor Street, from the west pavement line of Ardmore Avenue to the east pavement line of Randall Road; and Covington Road, from the west pavement line Ardmore Avenue to the southeast property line of Upper Huntington Road except that portion already resurfaced (from Washington Road to a point 2,050 \pm feet east thereof);

under Board of Public Works Street Improvement Resolution No. 5939-82, involving a total cost of One Hundred Thirty-Six Thousand Six Hundred Forty-Four and No/100 Dollars (\$136,644.00), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-212-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-09

SPECIAL ORDINANCE NO. S-213-82

AN ORDINANCE approving Street Improvement
Resolution No. 5941-82, 1982 Flood Damage
Repair, with Moellering Construction
Company, Inc., in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Moellering Construction Company, Inc., for:

1982 Flood Damage Repair in the Northside Drive Oswego, Baltes, and Griswold Drive Area, including Federal Emergency Management Agency Survey Reports No. 041864, 041860, 041853, and 041856;

under Board of Public Works Street Improvement Resolution No. 5941-82, involving a total cost of Ten Thousand Five Hundred Seventy-Five and 95/100 Dollars (\$10,579.95), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 11-23-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-213-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-10

SPECIAL ORDINANCE NO. S-214-82

AN ORDINANCE approving Street Improvement
Resolution No. 5940-82, 1982 Flood Damage
Repair, with Rieth-Riley Construction
Co., Inc., in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Rieth-Riley Construction Co., Inc., for:

1982 Flood Damage Repair in the Harrison Sherman, and Herman Area including Federal
Emergency Damage Survey Reports No. 041865 and 041866;

under Board of Public Works Street Improvement Resolution No. 5940-82, involving a total cost of Fifteen Thousand Six Hundred Eight and 95/100 Dollars (\$15,608.95), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-214-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-11

SPECIAL ORDINANCE NO. S-215-82

AN ORDINANCE approving Street Improvement Resolution No. 5945-82, Street Resurfacing and Restoring of Pavement, with Wayne Asphalt and Construction Company, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Wayne Asphalt and Construction Company, for:

the resurfacing and restoration of pavement on the following streets: Pontiac Street and Wayne Trace Elevation; Wayne Trace, from the east pavement line of Pontiac Street to the north pavement line of Oxford Street; Adams Street, from the south curb line on Pontiac Street to the south pavement line of McKee Street; McKee Street, from the west property line of Adams Street to the west pavement line of Wayne Trace; East Sherwood Terrace, from the northeast property line of Glenmary Drive to the west curb line of Wayne Trace; Wellington Drive, from the south property line of Village Court to the northeast property line of Dania Court; Lona Drive, from the southeast property line of Charlton Court to the southeast property line of Norma Court; Barrington Drive, from the south curb line of Argyle Drive to the north curb line of Lona Drive; Argyle Drive, from the southwest property line of Dania Court to the southeast property line of East Sherwood Terrace; Glenmary Drive, from the southwest property line of Charlton Court to the northwest property line of East Sherwood Terrace; Harrison Street, from the south curb line of Rudisill Boulevard to the south property line of Lexington Boulevard; Harrison Street, from the north property line of South Cornell Circle to the south property line of Maple Grove Avenue;

under Board of Public Works Street Improvement Resolution No. 594582, involving a total cost of One Hundred Fifty-Two Thousand Six Hundred and 84/100 Dollars (\$152,600.84), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Scmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 11-23-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-215-82 on the 23rd day of November, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-13

SPECIAL ORDINANCE NO. S-216-82

AN ORDINANCE approving Change Order
No. 1, Resolution No. 357-82, Berry
and Begue Streets, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 35782, Berry and Begue Streets, with T-G Excavating, Inc., in connection with the Board of Public Works, for:

the mechanical removal by hydropneumatic cleaning of granular material in sewer, as detailed in Federal Emergency Management Agency Damage Survey Report No. 048151;

involving a net increase in the amount of Forty-Two Thousand Forty-Six and 20/100 Dollars (\$42,046.20), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-216-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

Bill No. S-82-10-08 (AS AMENDED)

SPECIAL ORDINANCE NO. S-217-82

AN ORDINANCE approving the filing
of a petition to establish a
conservancy district for the implementation
of certain flood control projects

WHEREAS, the City of Fort Wayne, Indiana, and surrounding areas have, over the last several years, experienced repeated severe flooding; and

WHEREAS, this flooding has caused extensive damage to homes and businesses, and interfered with the personal and business activities in and around the City of Fort Wayne; and

WHEREAS, no adequate administrative vehicle presently exists for the implementation of flood control plans and works which have been, or may be, developed; and

WHEREAS, such an administrative vehicle is necessary to develop, coordinate and control such plans and projects; and

WHEREAS, it is necessary to establish such an administrative vehicle for the purposes of establishing, controlling and collecting such use and benefits taxes as may be levied to fund any necessary flood control projects(s); and

WHEREAS, such an administrative vehicle is necessary for the purposes of seeking and accepting such financial aid and contributions as may be available from any source, and applying said funds to necessary projects; and

WHEREAS, state law (I.C. 133-3-1, et. seq.) permits the establishment of a conservancy district for flood control purposes; and

WHEREAS, there has been prepared a "Petition to Establish Conservancy District", which is the necessary first step to create such a conservancy district.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the creation of an agency to develop, coordinate and finance flood control plans and projects for the future protection and well being of the people and property in and around the City of Fort Wayne is necessary.

SECTION 2. That a proper and expedient course to follow to meet this need is for the City of Fort Wayne to petition for the establishment of a conservancy district as authorized by I.C. 13-3-3-1, et seq.

SECTION 3. That the Common Council of the City of Fort Wayne has reviewed the "Petition to Establish Conservancy District", with attachments, as prepared by legal counsel, a copy of which is attached hereto as a part hereof.

SECTION 4. Except as provided in Section 5 hereof, the "Petition to Establish Conservancy District" is approved in all respects and should be filed with the Circuit Court to initiate the establishment of a conservancy district, and the City Attorney should take all other necessary steps for the complete establishment of a conservancy district for the purpose of initiating, and maintaining certain flood control projects which will benefit the City of Fort Wayne and the land which is within the proposed conservancy district.

SECTION 5. That no special benefit tax shall exceed 30 cents per \$100.00 of assessed valuation of real property in the conservancy district.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Five
 Bradbury, Eisbart, GiaQuinta, Scruggs, Talarico
 Nays: Three
 Schmidt, Schomburg, Stier
 Abstained: One
 Burns

Date: 11-23-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-217-82 on the 23rd day of November, 1982

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 29th day of November, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-82-11-15

GENERAL ORDINANCE NO. G-33-82

AN ORDINANCE repealing Division 1, Section 2-9 of Chapter 2 of The Code of The City Of Fort Wayne, Indiana of 1974 as amended and substituting in place thereof a new Division 1, Section 2-9 of The Code of The City of Fort Wayne, Indiana of 1974 as amended and concerning Councilmanic Districts

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Division 1, Section 2-9 of Chapter 2 of The Code Of The City Of Fort Wayne, Indiana of 1974 as amended be and the same is hereby repealed and that a new Division 1, Section 2-9 of Chapter 2 of The Code Of The City Of Fort Wayne, Indiana of 1974 as amended be substituted in place thereof and shall read as follows:

DIVISION 1. GENERALLY

Sec. 2-9 - Councilmanic Districts

The City is hereby divided and there are hereby established the following Councilmanic Districts:

(a) CITY COUNCILMANIC POLITICAL WARD NO. 1

City Councilmanic Political Ward No. 1 shall comprise all that territory within the corporate limits of the City of Fort Wayne described as follows: Beginning at the point of intersection of the north-south center line of Section 4, Township 30 North, Range 13 East and the normal center line of the Maumee River; thence south along the north-south center line of Section 4 and Section 9, Township 30 North, Range 13 East, to the north right-of-way of the Norfolk and Western Railroad; thence west along said north right-of-way line of the Norfolk and Western Railroad to the center line of Coliseum Blvd.; thence south along the center line of Coliseum Blvd.; to the center line of Pontiac Street; thence west along the center line of Pontiac Street to the center line of Smith Street; thence south along the center line of Smith Street to the center line of Oxford Street; thence west along the center line of Oxford Street to the center line of Hanna Street; thence north along the center line of Hanna Street to the center line of Colerick Street; thence west along the center line of Colerick Street to the center line of Warsaw Street; thence south along the center line of Warsaw Street to the center line of Wildwood Avenue; thence west along the center line of Wildwood Avenue to the center line of Calhoun Street; thence north along the center line of Calhoun Street to the center line of Woodland Avenue; thence east along the center line of Woodland Avenue to the center line of Lafayette Street; thence north along the center line of Lafayette Street to the center line of Suttentfield Street; thence west along the center line of Suttentfield Street to the center line of Hoagland Avenue; thence south along the center line of Hoagland Avenue to the center line of Pontiac Street; thence west along the center line of Pontiac Street to the center line of Fairfield Avenue; thence north along the center line of Fairfield Avenue to the center line of Creighton Avenue; thence west along the center line of Creighton Avenue to the center line of Broadway; thence south along the center line of Broadway to the center line of Grace Avenue; thence east along the center line of Grace Avenue to the center line of Indiana Avenue; thence south along the center line of Indiana Avenue to the center line of Home Avenue; thence west along the center line of Home Avenue to the center line of Beaver Avenue; thence north along the center line of Beaver Avenue to the center line of Broadway; thence southwest along the center line of Broadway to the center line of Park Avenue; thence west along the center line of Park Avenue to the center line of Thompson Avenue; thence north along the center line of Thompson Avenue to the center line of the Conrail (Penn-Central) tracks; thence east along the center line of the Conrail (Penn-Central) tracks to the center line of Broadway; thence north along the center line of Broadway to the center line of Main Street; thence west along the center line of Main Street to the normal center line of the St. Mary's River; thence following the meandering east of the St. Mary's River to its intersection with the center line of the St. Joseph River; thence following the meandering north of the St. Joseph River to the center line of Tennessee Avenue; thence east along the center line of Tennessee Avenue to the center line of Crescent Avenue; thence north along the center line of Crescent Avenue to the center line of Vermont Avenue; thence east along the center line of Vermont Avenue to the center line of Forest Park Blvd.; thence south along the center line of Forest Park Blvd., to the center line of Lake Avenue; thence east along the center line of Lake Avenue to the center line of Garfield Street; thence south along the center line of Garfield Street to the center line of the Maumee River; thence following the meandering east of the Maumee River to the point of beginning.

(b) CITY COUNCILMANIC POLITICAL WARD NO. 2

City Councilmanic Political Ward No. 2 shall comprise all of that territory within the corporate limits of the City described as follows: Beginning at the point of intersection of the center line of North Clinton Street and the north property line of Concordia Senior College extended west; thence east along the north property line of Concordia Senior College to the normal center line of the St. Joseph River; thence in a northerly direction along the center line of said river to the north line of Section 17, Township 31 North, Range 13 East; thence west along the said north line to the north line of Section 18, Township 31 North, Range 13 East and continuing west along said north line to the east right-of-way of Leo Road; thence northeast along the east right-of-way line of Leo Road to the south line of "The Meadows in the Park" as recorded in Book 43, Pages 3-7, in the Office of the Recorder of Allen County; thence south 66 degrees 58' 00" east a distance of 556.52 feet; thence south 85 degrees 22' 26" east a distance of 104.81 feet; thence north 72 degrees 37' 47" east a distance of 124.56 feet; thence south 35 degrees 47' 01" east a distance of 788.28 feet; thence north 87 degrees 31' 30" east a distance of 290.37 feet; thence north 43 degrees 46' 30" east a distance of 458.38 feet; thence north 46 degrees 13' 30" west a distance of 53.73 feet; thence north 43 degrees 46' 30" east a distance of 139.78 feet to a point on the east line of Section 7-31-13; thence north along the east line of Section 7 to the center line of said Section 7; thence west along center line of Section 7 to the east right-of-way line of Leo Road; thence northeasterly along the east right-of-way line of Leo Road to the intersection of the north line of Section 8-31-13; thence east along the north line of said Section 8 to the west line of Bouries Reserve; thence southerly along the west line of Bouries Reserve a distance of 636 feet; thence south 70 degrees east a distance of 1000 feet; thence south 18 degrees east a distance of 800 feet; thence at a deflection to the left of 38 degrees 32' a distance of 700 feet; thence at a deflection

to the right of 90 degrees 01' 30" on a line extended to the center line of the St. Joseph River; thence following the center line of the St. Joseph River in its meanderings south to a line projected west from the south line of the northeast 100 acres of DeRome Reserve; thence a southeasterly direction along said projected line to the southwest corner of the aforementioned northeast 100 acres; thence continuing southeasterly along the south line of the northeast 100 acres of DeRome Reserve a distance of 209.1 feet; thence south 29 degrees 36' west a distance of 880.1 feet; thence by a deflection left 95 degrees 34' a distance of 549.7 feet; thence by a deflection right 80 degrees 20' a distance of 398 feet; thence by a deflection left 87 degrees 18' to the west right-of-way line of the St. Joe Road; thence north along the west right-of-way of the St. Joe Road to the south right-of-way of the Evard Road projected west; thence east along the south right-of-way of Evard Road to the west right-of-way of the Reed Road; thence south along the west right-of-way of Reed Road to the south right-of-way of St. Joseph Center Road; thence west along the south right-of-way line of St. Joseph Center Road to a point 208.7 feet west of the northeast corner of the northwest 1/4 of Section 20, Township 31 North, Range 13 East; thence south 00 degrees 10 minutes east a distance of 596.8 feet; thence north 90 degrees 00 minutes west, a distance of 369.39 feet; thence north 00 degrees 07 minutes east a distance of 73.24 feet; thence north 89 degrees 47 minutes west, a distance of 217.7 feet; thence north 82 degrees 00 minutes west, a distance of 500+ lineal feet to the west right-of-way line of St. Joe Road; thence south along the west right-of-way line of St. Joe Road to the north line of the south 1/2 of Section 20, Township 31 North, Range 13 east; thence east along

City Councilmanic Political Ward No. 2 ---

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said north line to the center of said Section 20; thence south along the north-south center line of said Section 20 and the north-south center line of Section 29, Township 31 North, Range 13 East; to the south right-of-way line the Stellhorn Road; thence west along the south right-of-way line of the Stellhorn Road to the west right-of-way line of the Hobson Road; thence south along the west right-of-way line of the Hobson Road to the north right-of-way line of the Trier Road; thence east along the north right-of-way line of the Trier Road to the west right-of-way line of the Reed Road; thence south along the west right-of-way line of the Reed Road to the south right-of-way line of the Trier Road; thence east along the south right-of-way line of the Trier Road to the north-south center line of Section 28, Township 31 North, Range 13 East; thence south along the said north-south center line of Section 28 and continuing south along the center line of Section 33, Township 31 North, Range 13 East to a point located 1,398 feet north of the center line of Section 33, Township 31, Range 13 East; thence northerly 40.38 feet along a curve deflecting to the right having a radius of 250 feet not tangent to the last course being subtended by a chord having a length of 40.33 feet and a bearing of North 74 degrees 35 minutes 56 seconds east; thence south 20 degrees 19 minutes 06 seconds east on a line not tangent to the last described curve course a distance of 179.86 feet; thence south 55 degrees 30 minutes 34 seconds east a distance of 151.26 feet; thence south 18 degrees 50 minutes 45 seconds east a distance of 194.66 feet; thence south 53 degrees 42 minutes 32 seconds west a distance of 191.95 feet; thence south 25 degrees 02 minutes 41 seconds east a distance of 244.70 feet; thence south 64 degrees 40 minutes 30 seconds east a distance of 284.41 feet; thence north 85 degrees 44 minutes 04 seconds east a distance of 178.14 feet; thence north 60 degrees 34 minutes 33 seconds east a distance of 262.24 feet; thence north 52 degrees 37 minutes 36 seconds east a distance of 385.03 feet; thence south 88 degrees 55 minutes 30 seconds east a distance of 190.0 feet to the east line of said Indiana and Michigan Electric Co., right-of-way; thence north 01 degrees 04 minutes 30 seconds east along said east right-of-way line 495 feet to the southwest corner of Lot 18 in the Hollows Section I as recorded in document #78 17214 in the Office of the Recorder of Allen County; thence south 89 degrees 13 minutes 00 seconds east along the south line of the Hollows a distance of 815.00 feet; thence north 63 degrees 19 minutes 20 seconds east continuing along said south line a distance of 145.00 feet to the southwest corner of Lot 5 in the Hollows; thence leaving said south line south 26 degrees 58 minutes 46 seconds east a distance of 75.36 feet; thence south 89 degrees 22 minutes 48 seconds east a distance of 289.48 feet to the east line of the northeast quarter of Section 33; thence continuing south 00 degrees 46 minutes 00 seconds west along said east line a distance of 378.00 feet to the northeast corner of a parcel of land conveyed to Gilbert L. White and Paulene A. White, husband and wife from Arlington Investment Corp., by warranty deed April 15, 1971, and recorded as document # 71 5913 in the Office of the Recorder of Allen County; thence south 87 degrees 57 minutes 47 seconds west (south 88 degrees 02 minutes west deed) along the northerly line of the White parcel a distance of 336.0 feet; thence south 00 degrees 46 minutes 00 seconds west along the west line of the White parcel and the southerly extension thereof a distance of 216.0 feet to a point on the northerly line of Lehman Homestead Addition, a subdivision in the aforementioned Section, Township and Range and recorded in plat book 21, page 27, Office of the Recorder of Allen County, Indiana; thence south 87 degrees 57 minutes 47 seconds west along said northerly line and the westerly extension thereof a

distance of 937.30 feet to a point on the east line of an Indiana and Michigan Electric Company right-of-way, said east right-of-way line being situated 60 feet east (by right angle measurement) of and parallel with the west line of the east half of the northeast quarter of Section 33 aforementioned; thence continuing south 01 degrees 04 minutes 30 seconds west along said right-of-way line a distance of 94.26 feet; thence south 67 degrees 37 minutes 34 seconds west a distance of 209.59 feet; thence south 80 degrees 03 minutes 41 seconds west a distance of 70 feet; thence south 66 degrees 00 minutes 34 seconds west a distance of 71.66 feet; thence south 65 degrees 10 minutes 40 seconds west a distance of 43.75 feet to the easterly most corner of the property conveyed from the Northeastern Enterprises, Inc., to Hardware Wholesalers, Inc., as recorded in document #80 14066 in the Office of the Recorder of Allen County; thence south 65 degrees 10 minutes 34 seconds west a distance of 28.25 feet; thence south 26 degrees 11 minutes 16 seconds west a distance of 131.58 feet; thence south 29 degrees 55 minutes 08 seconds west a distance of 338.12 feet; thence south 01 degrees 07 minutes 22 seconds west to a point on the north right-of-way line of East State Boulevard, said point located 790.69 feet east of the intersection of the north right-of-way line of East State Boulevard and the center line of Section 33, Township 31 North, Range 13 East; thence in a northeasterly direction along the north right-of-way line of Hicksville Road (East State Blvd.) to the east line of the fractional northwest 1/4 of Section 34, Township 31 North, Range 13 East; thence south along said east line of the fractional northwest 1/4 of Section 34, (assumed to be the northerly projection of west line of Lot #2 in Browning Sub. of Kercheval Reserve) to the northwest corner of Lot #2 in Browning Sub. of Kercheval Reserve as recorded in Deed Book W, Pages 387-388; thence continuing in a southerly direction along the west line of said Lot #2 in Browning Sub. to a point located 262.68+ feet north of the southwest corner of said Lot #2 in Browning Sub., said point more particularly described as being the northwest corner of Lot #77 of Lake Forest Extended, Section III as recorded in Plat Book 33, Pages 19-20; thence east on a line parallel to and 262.68+ feet north of the south line of Lots #1 and #2 of said Browning Sub., to the westerly right-of-way line of Maysville Road (Lake Avenue); thence southwesterly along the westerly right-of-way line of Maysville Road (Lake Avenue) to the west line of said Kercheval Reserve; thence in a westerly direction along the north right-of-way line of Maysville Road (Lake Avenue) to the north-south center line of Section 4, Township 30 North, Range 13 East; thence south along the north-south center line of Section 4 to the center line of the Maumee River; thence following the meanderings west along the center line of the Maumee River to the center line of Garfield Street extended south; thence north along the center line of Garfield Street and said line projected to the center line of Lake Avenue; thence west along the center line of Lake Avenue to the center line of Forest Park Blvd.; thence north along the center line of Forest Park Blvd., to the center line of Vermont Avenue; thence west along the center line of Vermont Avenue to the center line of Crescent Avenue; thence north along the center line of Crescent Avenue to the center line of Vance Avenue; thence west along the center line of Vance Avenue to the center line of the St. Joseph River; thence following the meanderings north of the St. Joseph River to its intersection with the west line of Section 30, Township 31 North, Range 13 East; thence north along the west lines of Section 30 and Section 19, Township 31 North, Range 13 East, to the center line of St. Joseph Center Road; thence west along the center line of St. Joseph Center Road to the center line of North Clinton Street; thence northeast along the center line of North Clinton Street to the point of beginning.

(c) CITY COUNCILMANIC POLITICAL WARD NO. 3

City Councilmanic Political Ward No. 3 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at a point located on the center line of North Clinton Street at its intersection with a line projected west from the north property line of Concordia Senior College; thence west along said projected line to the west right-of-way line of North Clinton Street; thence southwest along the west right-of-way line of Clinton Street to the east right-of-way line of Red Haw Drive; thence north along the east right-of-way line of Red Haw Drive to a line projected east from a line located 600 feet north of the south line of A.F. Smith Subdivision; thence west along said line to the east line of Lot 30 in Springwood Addition; thence north along the east line of said Lot 30 to the northeast corner of said Lot 30; thence west along the north lines of Lots 22 thru 30 to the northwest corner of Lot 22 in Springwood Addition; thence north along the east lines of Lots 11 thru 20 also located in Springwood Addition to the south right-of-way line of Cook Road, point also being the northeast corner of said Lot 11; thence east along the south right-of-way line of Cook Road to the northwest corner of Lot "D" lying in A.F. Smith Subdivision; thence north to the north right-of-way line of Cook Road; thence east along the north right-of-way line of Cook Road to the east line of the Southwest 1/4 of Section 12, Township 31 North, Range 12 East; thence north along said east line to Lot 100 in Wheatridge Section I; thence northwesterly along the northeast lines of Lots 100 thru 112 in said subdivision to the northwest corner of Lot 112; thence southwest along the west line of said Lot 112 to the northeast line of Lot 113 in Wheatridge Section I; thence northwest along the

northeast line of said Lot 113 to the northwest corner of said Lot 113; thence southwesterly along the westerly lines of Lots 113 thru 122 to the northwest corner of said Lot 122 in Wheatridge Section I; thence north 26 degrees 50' 50" east a distance of 133.38 feet; thence north on a line parallel to the west line of the Southwest 1/4 Section 12, Township 31 North, Range 12 East a distance of 30+ feet; thence west on a line parallel to the south line of said Section 12 a distance of 10+ feet; thence north 26 degrees 50' 50" west a distance of 212.62 feet; thence south 84 degrees 12' 53" west a distance of 805.73 feet to the east right-of-way line of Coldwater Road; thence south along the east right-of-way line of Coldwater Road a distance of 166 feet to a point also being the north line of the south 1/2 of the southwest 1/4 Section 12, Township 31 North, Range 12 East; thence west along said north line and continuing along the north line of the south 1/2 of the southeast 1/4 Section 11, Township 31 North, Range 12 East to a point 664.84 feet west of the east line of the said Southeast 1/4 Section 11; thence south along a line parallel to the said east line of the Southeast 1/4 Section 11 to the north right-of-way line of Cook Road; thence west along the north right-of-way line of Cook Road to the west right-of-way line of the Penn-Central Railroad; thence north along the west right-of-way of Penn-Central Railroad to its intersection with the north line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East; thence west on the north line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East to its intersection with the west line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East; thence south on the west line of the east half of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East to its intersection with the south right-of-way line of Cook Road; thence west on the south right-of-way line of Cook Road to the east right-of-way line of State Road 3; thence southeasterly along the east right-of-way line of State Road 3 to the south right-of-way line of

City Councilmanic Political Ward No. 3

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Washington Center Road; thence west along the south right-of-way line of Washington Center Road to the east right-of-way of Huguenard Road; thence south along the east right-of-way of Huguenard Road to the north right-of-way line of U.S. Highway 30 and 33; thence southeasterly along the north right-of-way line of U.S. Highway 30 and 33 to the east right-of-way of Hatfield Road; thence north along the east right-of-way line of Hatfield Road to the south right-of-way line of Arthur Street; thence east along the south right-of-way line of Arthur Street to the west right-of-way line of the Penn Central Railroad; thence south along the west right-of-way line of the Penn Central Railroad to the south right-of-way line of Coliseum Blvd. (U.S. 30 Bypass); thence west along the south right-of-way line of Coliseum Blvd. to the intersection of the west right-of-way line of U.S. Highway 30; thence in a northwesterly direction along the west right-of-way line of U.S. Highway 30 (Goshen Road) to the north right-of-way line of Coliseum Blvd.; thence west on the north right-of-way line of Coliseum Blvd. to its intersection with the west line of the Southeast 1/4 of Section 21, Township 31 North, Range 12 East; thence south on the west line of the Southeast 1/4 of Section 21, Township 31 North, Range 12 East and the west line of the northeast quarter of Section 28, Township 31 North, Range 12 East to the south right-of-way line of Burma Road; thence west along the south right-of-way line of Burma Road a distance of 330 feet; thence south along a line parallel to the east line of the Northwest 1/4 Section 28, Township 31 North, Range 12 East to the north line of the south 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 28; thence west along said north line, to the west line of the east 1/2 of the Northwest 1/4 of said Section 28; thence south along the west line of the east 1/2 of the Northwest and Southwest 1/4's of said Section 28 to the south line of said Section 28 also being the center line of Butler Road; thence east along said south line of Section 28 to the east line of the west 1/2 of the Southeast 1/4 of said Section 28; thence north along said east line to the north line of the Southeast 1/4 of the Southeast 1/4 of said Section 28; thence east along said north line to the west right-of-way of the Grand Rapids & Indiana Railroad; thence south along the west right-of-way line of Grand Rapids & Indiana Railroad to the center line of Fourth Street extended west; thence east along the center line of Fourth Street and said projected line to the center line of Sherman Blvd.; thence north along the center line of Sherman Blvd. to the center line of Greenlawn Avenue; thence east along the center line of Greenlawn Avenue to the center line of Wells Street; thence south along the center line of Wells Street to its intersection with the center line of the St. Mary's River; thence following the meandering east of the St. Mary's River to its intersection with the center line of the St. Joseph River; thence following the meandering north of the St. Joseph River to the center line of Tennessee Avenue; thence east along the center line of Tennessee Avenue to the center line of Crescent Avenue; thence north along the center line of Crescent Avenue to the center line of Vance Avenue; thence west along the center line of Vance Avenue to the center line of the St. Joseph River; thence following the meandering north of the St. Joseph River to its intersection with the west line of Section 30, Township 31 North, Range 13 East; thence north along the west lines of Section 30 and Section 19, Township 31 North, Range 13 East to the center line of St. Joseph Center Road;

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thence west along the center line of St. Joseph Center Road to the center line of North Clinton Street; thence north-east along the center line of North Clinton Street to the point of beginning.

EXCEPT THEREFROM THE FOLLOWING:

Beginning at the northeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 31 North, Range 12 East, thence westerly along the south line of the north half of the north of said Sections 13 and 14 to the west right-of-way line of the Penn-Central Railroad Company's right-of-way; thence south along said west right-of-way line of the north right-of-way line of Interstate 69; thence in a northeasterly direction along the north right-of-way line of Interstate 69 to the center line of Ludwig Road, assumed common with the east-west center line of said Section 14; thence east along the center line of Section 13 to the southeast corner of the southwest 1/4 of the northwest 1/4 of Section 13; thence north along the east line of the northwest 1/4 of said Section 13 to the point of beginning.

(d) CITY COUNCILMANIC POLITICAL WARD NO. 4

City Councilmanic Political Ward No. 4 shall comprise all of that territory within the corporate limits of the city as described as follows: Beginning at a point located at the intersection of the south right-of-way line of Lower Huntington Road and the east line of Lot #5 in Archange Godfrey's Subdivision of Richardville Reserve on the west bank of the St. Mary's River and said line projected northeast; thence in a southwesterly direction along the east line of said Lot #5 and said line projected northeast to the southwesterly line of Boggs Heights Subdivision; thence southeasterly along the southwesterly line of Boggs Heights Subdivision to the northwesterly right-of-way line of Kinnerk Road; thence southwesterly along the northwesterly right-of-way line of Kinnerk Road to the south line of Lot #5 in said Godfrey's Subdivision said line projected southeast; thence in a northwesterly direction along said south line to the east-west center line of Section 34, Township 30 North, Range 12 East; thence west on said east-west center line to the north-south center line of said Section 34; thence south on said north-south center line to the north right-of-way line of Dunkelberg Road; thence west along the north right-of-way line of the Dunkelberg Road to its intersection with the west right-of-way line of Bluffton Road; thence south along the west right-of-way line of the Bluffton Road to the south line of Section 33, Township 30 North, Range 12 East; thence west along the south line of said Section 33 to the center line of the Harber Ditch; thence meandering in a northwesterly direction along the center line of the Harber Ditch to the east line of the southwest quarter of Section 33, Township 30 North, Range 12 East; thence south along the east line of the southwest 1/4 of Section 33, Township 30 North, Range 12 East and said line projected south to a point in Section 4, Township 29, Range 12 East, 85 feet south of the south line of Section 33, Township 30 North, Range 12 East; thence west along a line 85 feet south of and parallel to the north line of Section 4, Township 29 North, Range 12 East to its intersection with the easterly right-of-way line of State Road 3; thence in a northerly direction along the easterly right-of-way line of State Road 3 to its intersection with the south line of Section 33, Township 30 North, Range 12 East; thence westerly along the south line of Section 33, a distance of 111.0 feet, more or less, to the intersection of the westerly right-of-way line projected of State Road 3; thence southwesterly along the west right-of-way of State Road 3 to the south line of the north half of Section 5, Township 29 North, Range 12 East; thence westerly along the south line of the north half of Section 5 a distance of 2850.0 feet more or less to a point 1700.0 feet east of the west line of Section 5; thence north a distance of 2100 feet to the north right-of-way line of Dalman Road; thence westerly along the north right-of-way line Dalman Road a distance of 1680.0 feet more or less, to the east right-of-way line of Smith Road; thence north along the east right-of-way line of Smith Road a distance of 2620 feet; thence easterly along the north line of the south half of said Section 32 a distance of 5260.0 feet to the west line of Section 33, Township 30 North, Range 12 East; thence north along said west line of Section 33 a distance of 1000.0 feet; thence south 88 degrees 02' east along an existing line fence, a distance of 750.0 feet more or less to the center of Harber Ditch; thence meandering in a northwesterly direction along the center line of the Harber Ditch to the south right-of-way line of the Lower Huntington Road; thence west along the south right-of-way line of Lower Huntington Road to the west right-of-way line of Ardmore Avenue projected south; thence north along the west right-of-way line of Ardmore Avenue and said projected south line to the north right-of-way line of the Engle Road; thence east along the north right-of-way line of the Engle Road to the north right-of-way line of the Norfolk and Western Railroad; thence

northeasterly along the north right-of-way line of the Norfolk & Western Railroad to the north-south center line of Section 16, Township 30 North, Range 12 East; thence north along the said north-south center line to the south right-of-way line of Nuttman Avenue; thence east along the south right-of-way line of Nuttman Avenue to the east right-of-way line of Freeman Street projected south; thence north along said east right-of-way line of Freeman Street and said line projected south to a point situated a distance of 251 feet north of the south line of Section 9, Township 30 North, Range 12 East; thence west on a line 251 feet north of and parallel with the said south line of Section 9, and said line projected west to the west right-of-way line of Ardmore Avenue; thence south along the west right-of-way line of Ardmore Avenue to the south right-of-way line of Covington Road; thence west along the south right-of-way line of Covington Road to the north right-of-way line of Upper Huntington Road; thence in a northeasterly direction along the north right-of-way line of Upper Huntington Road to the north right-of-way line of Covington Road; thence west along the north right-of-way line of Covington Road to the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to a point located 212.75 feet north of the south line of the northeast 1/2 of Section 7, Township 30 North, Range 12 East; thence east on a line parallel to the south line of said 1/2 section a distance of 227.6 feet; thence north a distance of 162.75 feet to the south line of Lot 17 in Pauey's Subdivision; thence east along the south lot line of said Lot 17 a distance of 195.8 feet to the northeast corner of said Lot 17; thence west along the north line of Lot 17 a distance of 1075.3 feet to the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to the south line of Lot 14 in Pauey's Subdivision; thence east along the south line of said Lot 14 to the southeast corner of said Lot 14; thence north along the east line of said Lot 14; thence east on a line parallel to the south line of the Northeast 1/4 Section 7, Township 30 North, Range 12 East a distance of 330 feet; thence north a distance of 40.5 feet; thence east along a line parallel to the south line of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East a distance of 757.2 feet to the west line of Westmoor Extended Addition; thence north along the west line of Westmoor Extended Addition to the northwest corner of Lot 100 in said Westmoor Extended Addition; thence east along the north line of said Lot 100 a distance of 80 feet to the northeast corner of said Lot 100; thence south along the east line of said Lot 100 a distance of 32 feet; thence east and parallel to the east-west center line of Section 7, Township 30 North, Range 12 East a distance of 358 feet to the east line of the Northeast 1/4 of Section 7, Township 30 North, Range 12 East; thence north along the east line of said Northeast 1/4 of Section 7 to the north right-of-way line of Illinois Road; thence east along the north line of Illinois Road to the west line of Lot 4 in Romy's Subdivision; thence north along the west line of said Lot #4 to the south right-of-way line of Penn-Central Railroad; thence southeast along the south right-of-way line of Penn-Central Railroad to the west right-of-way line of Lindenwood Avenue; thence north along the west right-of-way line of Lindenwood Avenue to the north right-of-way line of Bass Road; thence west along the north right-of-way line of Bass Road to the west line of Section 33, Township 31 North, Range 12 East; thence north along the west line of Section 33, Township 31 North, Range 12 East to the center line of Hillegas Road, said point being 25 feet west on a line perpendicular to the intersection of the north right-of-way line of

Leesburg Road with the east right-of-way line of Hillegas Road; thence east 25 feet on said perpendicular line to the east right-of-way line of Hillegas Road; thence north along the east right-of-way line of Hillegas Road to the south right-of-way line of West State Blvd.; thence east along the south right-of-way line of West State Blvd., to the west line of the east half of Section 33, Township 31 North, Range 12 East; thence north along the west line of the east half of Section 33, Township 31 North, Range 12 East to the north right-of-way line of West State Blvd.; thence east along the north right-of-way line of West State Blvd., to its intersection with the west line of the east one-half of the northeast one-quarter of Section 33, Township 31 North, Range 12 East; thence north along the west line of the east one-half of said one-quarter section a distance of 1620 feet to a point; thence east along a line 1620 feet (north of and parallel to the north right-of-way line of West State Boulevard) a distance of 826.8 feet to its intersection with the west right-of-way line of the Grand Rapids and Indiana Railroad; thence south along the west right-of-way line of Grand Rapids and Indiana Railroad to the center line of Fourth Street extended west; thence east along the center line of Fourth Street and said projected line to the center line of Sherman Blvd.; thence north along the center line of Sherman Blvd., to the center line of Greenlawn Avenue; thence east along the center line of Greenlawn

Avenue to the center line of Wells Street; thence south along the center line of Wells Street to its intersection with the center line of the St. Mary's River; thence following the meandering south-west of the St. Mary's River to its intersection with the center line of Main Street; thence east along the center line of Main Street to the center line of Broadway; thence south along the center line of Broadway to the center line of the Conrail (Penn-Central) tracks; thence west along the center line of the Conrail (Penn-Central) tracks to its intersection with the normal center line of the St. Mary's River; thence following the meandering of the St. Mary's River south to the center line of Engle Road extended east; thence west along the extended center line of Engle Road to the center line of Bluffton Road; thence south along the center line of Bluffton Road to the center line of Lower Huntington Road; thence east along the center line of Lower Huntington Road to the east line of Lot #5 in Archange Godfrey's Subdivision of Richardville Reserve; thence extended north-east; thence south-west along said extended east line of Lot #5 in Archange Godfrey's Subdivision to the point of beginning.

(e) CITY COUNCILMANIC POLITICAL WARD NO. 5

City Councilmanic Political Ward No. 5 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at the center line of Anthony Blvd., and its intersection with the north line of the southeast 1/4 of Section 36, Township 30 North, Range 12 East; thence south along the east line of the southeast 1/4 of Section 36, Township 30 North, Range 12 East a distance of 330 feet to the point of beginning; thence west to the west right-of-way line of Anthony Blvd.; thence south along said west right-of-way line of Anthony Boulevard to its intersection with the North line of the south half of the southeast quarter of Section 36, Township 30 North, Range 12 East; thence west along the north line of the south half of the southeast quarter of Section 36, Township 30 North, Range 12 East, to its intersection with the west line of the east half of Section 36, Township 30 North, Range 12 East; thence north along the west line of the east half of Section 36, Township 30 North, Range 12 East, a distance of 920+ feet; thence west and parallel with the north line of the southwest 1/4 of Section 36, Township 30 North, Range 13 East a distance of 1720+ feet; thence north on a line parallel to the north-south center line of said Section 36 a distance of 400 feet to the north line of the Southwest 1/4 of said Section 36; thence east along the said north line to the center line of Hanna Street; thence north along the center line of Hanna Street 82.4 feet; thence east on a line parallel to the north line of the Southwest 1/4 of said Section 36 a distance of 228 feet; thence north and parallel to the center line of Hanna Street a distance of 385 feet; thence west and parallel to the south line of the said northeast 1/4 of Section 36 a distance of 228 feet to the center line of Hanna Street; thence north along the center line of Hanna Street to its intersection with the north line of the Southeast 1/4 of the Northwest 1/4 of Section 36; thence east on and along the north line of the Southeast 1/4 of the Northwest 1/4 of Section 36 to a point located 500 feet west of the east line of the northwest 1/4 of Section 36; thence north on a line lying 500 feet west of and parallel to the east line of the Northwest 1/4 of Section 36 to the south right-of-way line of Tillman Road; thence north along said west line to the south right-of-way line of the Tillman Road; thence in a westerly direction along the south right-of-way line of Tillman Road to the south right-of-way line of the Lower Huntington Road; thence in a westerly direction along the south right-of-way line of Lower Huntington Road to the west line of Lot #5 in Godfrey's Partition of Richardville Reserve; thence north to the center line of Lower Huntington Road; thence northwesterly along the center line of Lower Huntington Road to the center line of Bluffton Road; thence north along the center line of Bluffton Road to the center line of Engle Road; thence east along the extended center line of Engle Road to the center line of the St. Mary's River; thence following the meandering north of the St. Mary's River to the center line of the Conrail (Penn-Central) tracks; thence east along the center line of the Conrail (Penn-Central) tracks to the center line of Thompson Avenue extended north; thence south along the center line of Thompson Avenue and said extended line to the center line of Park Avenue; thence east along the center line of Park Avenue to the center line of Broadway; thence north along the center line of Broadway to the center line of Beaver Avenue; thence south along the center line of Beaver Avenue to the center line of Home Avenue; thence east along the center line of Home Avenue to the center line of Indiana Avenue; thence north along the center line of Indiana Avenue to the center line of Grace Avenue; thence west along the center line of Grace Avenue to the center line of Broadway; thence north along the center line of Broadway to the center line of Creighton Avenue; thence east along the center line of Creighton Avenue to the

City Councilmanic Political Ward No. 5

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center line of Fairfield Avenue; thence south along the center line of Fairfield Avenue to the center line of Pontiac Street; thence east along the center line of Pontiac Street to the center line of Hoagland Avenue; thence north along the center line of Hoagland Avenue to the center line of Suttentfield Street; thence east along the center line of Suttentfield Street to the center line of Lafayette Street; thence south along the center line of Lafayette Street to the center line of Woodland Avenue; thence west along the center line of Woodland Avenue to the center line of Calhoun Street; thence south along the center line of Calhoun Street to the center line of Wildwood Avenue; thence east along the center line of Wildwood Avenue to the center line of Warsaw Street; thence north along the center line of Warsaw Street to the center line of Colerick; thence east along the center line of Colerick Street to the center line of Hanna Street; thence south along the center line of Hanna Street to the center line of Decatur Road; thence southeasterly along the center line of Decatur Road to the center line of Gable Road; thence east along the center line of Gable Road to the center line of Anthony Blvd.; thence south along the center line of Anthony Blvd., to the point of beginning, said point being 330 feet south of the north line of the southeast 1/4 of Section 36, Township 30 North, Range 12 East.

(F) CITY COUNCILMANIC POLITICAL WARD NO. 6

City Councilmanic Political Ward No. 6 shall comprise all that territory within the corporate limits of the city as described as follows: Beginning at a point located on the center line of Pontiac Street said point lying 260.7 feet west of its intersection with the center line of Coliseum Blvd.; thence by a deflection left 90 degrees 50 minutes a distance of 1324 feet to the north right-of-way line of the Belt Line Railroad; thence southeast along the north right-of-way line of the Belt Line Railroad to the east line of the west 1/2 of Section 17, Township 30 North, Range 13 East; thence south along said east line to the north right-of-way line of the Moeller Road; thence west along the north right-of-way line of the Moeller Road to the west right-of-way line of Bueter Drive; thence south along the west right-of-way line of Bueter Drive to the south right-of-way line of Rudisill Blvd.; thence east along the south right-of-way line of Rudisill Blvd., to the east line of the west 1/2 of Section 17, Township 30 North, Range 13 East; thence south along said east line to the south right-of-way line of the Hoevel Road (McKinnie Avenue); thence west on the south right-of-way line of Hoevel Road (McKinnie Avenue) to the west right-of-way line of Bueter Avenue; thence south on the west right-of-way line of Bueter Avenue to the south right-of-way line of Pettit Avenue; thence west on the south line of Pettit Avenue to the east right-of-way line of Wayne Trace; thence southeast along the east right-of-way line of Wayne Trace to the east line of the west 1/2 of Section 20, Township 30 North, Range 13 East; thence south along said east line and said east line projected south to the center line of Trier Ditch; thence meandering in a southerly direction along the center line of Trier Ditch to the south line of the northwest 1/4 of Section 29, Township 30 North, Range 13 East; thence east along south line to the southeast corner of the northwest 1/4 of Section 29, Township 30 North, Range 13 East; thence south along the east line of the southwest 1/4 of Section 29, Township 30 North, Range 13 East to the north right-of-way line of Tillman Road; thence west along the north right-of-way line of Tillman Road to the northeast corner of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence south along the east line of said northwest 1/4 a distance 2207 feet to a point lying 443 feet north of the north-south center line of Section 31, Township 30 North, Range 13 East; thence west 339.72 feet to a point; thence north on a line parallel to the center line of said Section 31, a distance of 870.8 feet to the south line of the north 1/2 of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence west on said south line to the east right-of-way line of Old Decatur Road; thence southeasterly along the east right-of-way line of Old Decatur Road to the south line of the northwest 1/4 of Section 31, Township 30 North, Range 13 East; thence west along the south line of the northwest quarter of Section 31, Township 30 North, Range 13 East, to its intersection with the east line of South Dellwood Park Addition, Section B; thence south to the southeast corner of South Dellwood Park Addition, Section B; thence west to the center line of Anthony Blvd.; thence north along the center line of Anthony Blvd., to the center line of Gable Road; thence west along the center line of Gable Road to the center line of Decatur Road; thence northwesterly along the center line of Decatur Road to the center line of Hanna Street; thence north along the center line of Hanna Street to the center line of Oxford Street; thence east along the center line of Oxford Street to the center line of Smith Street; thence north along the center line of Smith Street to the center line of Pontiac Street; thence east along the center line of Pontiac Street to the point of beginning.

Councilmanic Political Ward No. 1,
 Councilmanic Political Ward No. 2,
 Councilmanic Political Ward No. 3,
 Councilmanic Political Ward No. 4,
 Councilmanic Political Ward No. 5, and
 Councilmanic Political Ward No. 6

each shall comprise all that territory within the corporate limits of the City of Fort Wayne, Indiana, as will be more fully described in the description of each of them which will be a part of this ordinance on its passage.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.

Ben A. Eisbart
 Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg,
 Scruggs, Stier, Talarico

Nays: None

Date: 11-23-82 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-33-82 on the 23rd day of November, 1982.

ATTEST

(SEAL)

Charles W. Westerman Samuel J. Talarico
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 2nd day of December, 1982, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-11- 16

SPECIAL ORDINANCE NO. S- 219-82

ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA
ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1982
(TOKHEIM CORPORATION PROJECT)
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana is a "unit" as such is defined by Indiana Law and is authorized by I.C. 36-7-12-1 et seq (the Act) and has established a Department of Economic Development known as the Fort Wayne Economic Development Commission, and further is authorized by the Act to issue bonds for the purposes described in the Act; and

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the Tokheim Corporation Project regarding the financing of proposed economic development facilities for Tokheim Corporation, and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 2, 1982, and also adopted a Resolution on December 2, 1982, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for Tokheim Corporation complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creation or retention of a significant number of jobs;
- d. The project being financed would not be undertaken without tax exempt financing; and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final form of and has transmitted for approval by the Common Council the Loan Agreement, Security Agreement and Indenture of Trust, Note, and form of Series 1982 Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Security Agreement and Indenture of Trust, Note, and Bond approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, to be used for the acquisition and construction of the economic development facilities and the securing of said bonds by the granting of a security interest in the project to the Trustee complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs; and (d) the project would not be undertaken without tax exempt financing.

27 SECTION 3. The substantially final forms of the Loan
28 Agreement, Security Agreement and Indenture of Trust, Note, and
29 form of Series 1982 Bond approved by the Fort Wayne Economic
30 Development Commission are hereby approved and all such docu-
31 ments (herein collectively referred to as the "Financing
32 Agreement" referred to in I.C. 36-7-12), are hereby approved,

1 and all such documents shall be incorporated herein by reference
2 and shall be inserted in the minutes of the Common Council and
3 kept on file by the Clerk. In accordance with provisions of
4 I.C. 36-1-5-4 two (2) copies of all such documents are on file
5 in the office of the Clerk for public inspection.

6 SECTION 4. The City of Fort Wayne, Indiana shall issue
7 its City of Fort Wayne, Indiana Economic Development Revenue
8 Bonds, Series 1982 (Tokheim Corporation Project), in the total
9 principal amount of \$4,000,000.00 and in denominations of
10 \$5,000.00 and any integral multiple thereof, maturing approxima-
11 tely fifteen years from the date of issuance, but subject to man-
12 datory or optional redemption as set forth in the Bonds,
13 including an optional put by the purchasers at the end of eight
14 years, for the purpose of procuring funds to pay the cost of
15 acquisition and construction of the economic development facili-
16 ties as more particularly set out in the Loan Agreement and
17 Security Agreement and Indenture of Trust incorporated herein by
18 reference, which Bonds will be payable as to principal, premium,
19 if any, and interest from payments made by Tokheim Corporation
20 under the Loan Agreement as provided in the above-described
21 documents. The Bonds are to be issued in a fully registered
22 form and numbered R-1 upwards, may be assigned and transferred
23 pursuant to the Indenture of Trust; payments of principal and
24 interest are payable in lawful money of the United States of
25 America at the principal trust office of the Trustee or, at the
26 option of the holder thereof, at the principal corporate trust
27 office of any co-paying agent appointed in accordance with the
28 Indenture of Trust, provided, however, payment of interest alone
29 shall be made to the registered owner thereof to such registered
30 owner at his or her address as it appears on the registration
31 books of the Issuer; the Bonds are subject to optional and man-
32 datory redemption as provided in the Bonds and the Indenture of

1 Trust. The Bonds shall never constitute a general obligation
2 of, an indebtedness of, or a charge against the general credit
3 of the City of Fort Wayne, nor are the Bonds payable in any
4 manner from revenues raised by taxation.

5 SECTION 5. The Mayor and Clerk are authorized and
6 directed to sell the Bonds to the purchasers thereof at a rate
7 of interest equal to either a floating rate or a fixed rate as
8 follows: If a floating rate, said rate shall be in years one
9 through eight 63% of the prime commercial lending rate as
10 established by Bankers Trust Company of New York and in years
11 nine through fifteen at a rate of interest of 68% of the prime
12 commercial lending rate of Bankers Trust Company of New York,
13 said rate to change on such date as the prime commercial rate
14 changes and if said rate is a fixed rate, then in years one

15 through eight said rate shall be 68% of the Base Rate and in
 16 years nine through fifteen at 72% of the Base Rate. Base Rate
 17 means a rate of interest per annum determined by the
 18 Institutional Lender (as such term is defined in the Financing
 19 Agreement) on the first day of the applicable Fixed Interest
 20 Period (as such term is defined in the Financing Agreement), as
 21 the rate per annum which the Institutional Lender would be
 22 willing to pay in respect of its own negotiable Certificates of
 23 Deposit in an amount approximately equal to the outstanding
 24 principal amount of the Bonds and with a maturity approximately
 25 equal to the length of the applicable fixed Interest Period.
 26 The determination as to whether the fixed or the floating rate
 27 shall apply shall be as set forth in the Financing Agreement.

28 SECTION 6. The Mayor and Clerk are authorized and
 29 directed to execute, attest, affix or imprint by any means the
 30 City seal to the documents constituting the Financing Agreement
 31 approved herein on behalf of the City and any other documents
 32 which may be necessary or desirable to consummate the transac-

1 tion, including the Bonds authorized herein and approve such other
 2 changes on the Financing Agreement as they may deem necessary or
 3 advisable. The signatures of the Mayor and Clerk on the Bonds
 4 may be either manual or facsimile signature. The Clerk is
 5 authorized to arrange for delivery of such bonds to the Trustee
 6 named in the Indenture of Trust, payment for the Bonds will be
 7 made to the Trustee named in the Indenture of Trust, and after
 8 such payment the Bonds will be delivered by the Trustee to the
 9 purchasers thereof. The Mayor and Clerk shall execute and the
 10 Clerk shall deliver the Bonds to the Trustee within ninety days
 11 of the adoption of this Ordinance. The Bonds shall be initially
 12 dated as of the date of issuance and delivery.

13 SECTION 7. The provisions of this Ordinance and the
 14 Indenture of Trust securing the Bonds shall constitute a
 15 contract binding between the City of Fort Wayne and the holders
 16 of the City of Fort Wayne, Indiana Economic Development Revenue
 17 Bonds, Series 1982 (Tokheim Corporation Project), and after the
 18 issuance of said Bonds, this Ordinance shall not be repealed or
 19 amended in any respect which would adversely affect the rights
 20 of such holder so long as said Bonds or the interest thereon
 21 remains unpaid.

22 SECTION 8. This Ordinance shall be in full force and
 23 effect from and after its passage and signing by the Mayor.

24 Mark E. GiaQuinta

25 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-219-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 16th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-82-11-05 SPECIAL ORDINANCE NO. S-218-82
2
3 ORDINANCE AUTHORIZING THE CITY OF
4 FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA
5 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1982
6 (AWB PROJECT) AND APPROVING OTHER ACTIONS IN RESPECT THERETO
7
8 WHEREAS, the City of Fort Wayne, Indiana is a "unit" as
9 such is defined by Indiana Law and is authorized by I.C.
10 36-7-12-1 et seq (the Act) and has established a Department of
11 Economic Development known as the Fort Wayne Economic
12 Development Commission, and further is authorized by the Act to
13 issue bonds for the purposes described in the Act; and
14 WHEREAS, the Fort Wayne Economic Development Commission has
15 rendered its project report for the AWB Realty Corp. Project
16 regarding the financing of proposed economic development facili-
17 ties for AWB Realty Corp., and the Fort Wayne Plan Commission
18 has commented favorably thereon; and
19 WHEREAS, the Fort Wayne Economic Development Commission
20 conducted a public hearing on November 4, 1982, and also adopted
21 a Resolution on November 4, 1982, which Resolution has been
22 transmitted to this Common Council, finding that the financing
23 of certain economic development facilities for AWB Realty Corp.
24 complies with the purposes and provisions of the Act and that
25 such financing will be of benefit to the health and welfare of
26 the City of Fort Wayne and its citizens, and further finding as
27 follows:
28 a. The financing will not create an unjustified com-
29 petitive disadvantage with other companies within the area;
30 b. The financing will stimulate the local economy;
31 c. The financing will result in creation or retention of a
32 significant number of jobs;
33 d. The project being financed would not be undertaken
34 without tax exempt financing; and
35 WHEREAS, the Fort Wayne Economic Development Commission

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final form of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Indenture of Trust, Lease Agreement with Anthony Wayne Bank, and form of Series 1982 Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Indenture of Trust, and Lease Agreement with Anthony Wayne Bank, approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, to be used for the acquisition and construction of the economic development facilities and the securing of said bonds by the mortgaging of the land and buildings included in the project to the Trustee, complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs; and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Loan Agreement, Mortgage and Indenture of Trust, Lease Agreement with Anthony Wayne Bank, and form of Series 1982 Bond, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred

to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the office of the Clerk for public inspection.

SECTION 4. The City of Fort Wayne, Indiana shall issue its City of Fort Wayne, Indiana Economic Development First Mortgage Revenue Bonds, Series 1982 (AWB Project) in the principal amount of \$4,500,000.00 and in denominations of \$5,000.00 and any integral multiple thereof, maturing approximately fifteen years from the date of issuance, and more particularly as follows:

November 1, 1992	\$2,250,000.00
November 1, 1993	450,000.00
November 1, 1994	450,000.00
November 1, 1995	450,000.00
November 1, 1996	450,000.00
November 1, 1997	450,000.00

but subject to mandatory or optional redemption as set forth in the bonds, for the purpose of procuring funds to pay the cost of acquisition and construction of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Indenture of Trust, and Lease Agreement, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from payments made by Anthony Wayne Bank under the Lease Agreement to AWB Realty Corp. as provided in the above-described documents. The Bonds are to be issued in fully registered form and numbered R-1 upwards, may be assigned and transferred pursuant to the Mortgage and Indenture of Trust; payments of principal and interest are payable in lawful money of the United States of America at the principal trust office of the Trustee or, at the option of the holder thereof, at the principal corporate trust office of any

1 co-paying agent appointed in accordance with the Indenture of
 2 Trust, provided, however, payment of interest alone shall be
 3 made to the registered owner thereof to such registered owner at
 4 his or her address as it appears on the registration books of
 5 the Issuer. The Bonds shall never constitute a general obliga-
 6 tion of, an indebtedness of, or a charge against the general
 7 credit of the City of Fort Wayne, nor are the Bonds payable in
 8 any manner from revenues raised by taxation.

9 SECTION 5. The Mayor and Clerk are authorized and directed
 10 to sell the Bonds to the purchasers thereof at a rate of
 11 interest equal to 75% of the prime commercial lending rate of
 12 the First National City Bank of New York, said rate to be
 13 established initially on November 1, 1982 and adjusted every
 14 three months thereafter; interest payments are payable semi-
 15 annually commencing May 1, 1983 and shall accrue from and
 16 including the date of first authentication and delivery of the
 17 Bonds.

18 SECTION 6. The Mayor and Clerk are authorized and directed
 19 to execute, attest, affix or imprint by any means the City seal
 20 to the documents constituting the Financing Agreement approved
 21 herein on behalf of the City and any other documents which may
 22 be necessary or desirable to consummate the transaction,
 23 including the Bonds authorized herein and approve the final form
 24 of the documents constituting the Financing Agreement with such
 25 changes as they may deem necessary or advisable. The signatures
 26 of the Mayor and Clerk on the Bonds may be either manual or fac-
 27 simile signature. The Clerk is authorized to arrange for deli-
 28 very of such bonds to the Trustee named in the Indenture of
 29 Trust, payment for the Bonds will be made to the Trustee named
 30 in the Indenture of Trust, and after such payment the Bonds will
 31 be delivered by the Trustee to the purchasers thereof. The
 32 Mayor and Clerk shall execute and the Clerk shall deliver the

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1 Bonds to the Trustee within ninety days of the adoption of this
 2 Ordinance. The Bonds shall be initially dated as of the date of
 3 issuance and delivery.

4 SECTION 7. The provisions of this Ordinance and the
 5 Indenture of Trust securing the Bonds shall constitute a
 6 contract binding between the City of Fort Wayne and the holders
 7 of the City of Fort Wayne, Indiana Economic Development First
 8 Mortgage Revenue Bonds, Series 1982 (AWB Project), and after the
 9 issuance of said Bonds, this Ordinance shall not be repealed or
 10 amended in any respect which would adversely affect the rights
 11 of such holder so long as said Bonds or the interest thereon
 12 remains unpaid.

13 SECTION 8. This Ordinance shall be in full force and
 14 effect from and after its passage and signing by the Mayor.
 15

16 Mark E. GiaQuinta
 17 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-218-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-21

SPECIAL ORDINANCE NO. S-220-82

AN ORDINANCE establishing a Deferred
Compensation Plan for the City of
Fort Wayne, Indiana

WHEREAS, the City of Fort Wayne, Indiana has considered the establishment of a Deferred Compensation Plan to be made available to all City employees, elected officials, and independent contractors pursuant to the newly passed federal legislation permitting such Plans; and

WHEREAS, certain substantial tax benefits could accrue to employees, elected officials, and independent contractors participating in said Deferred Compensation Plans; and

WHEREAS, such benefits will act as incentives to City participants to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their P.E.R.F. and Social Security, at no cost to the City.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne hereby establishes the City of Fort Wayne, Indiana Deferred Compensation Plan for the voluntary participation of all eligible City employees, elected officials and independent contractors.

SECTION 2. That the Mayor of the City of Fort Wayne, or his designee(s), is hereby authorized to execute on behalf of the City, any and all participation agreements with each participant requesting same. Furthermore, the Mayor is hereby authorized to execute all agreements necessary to implement the Plan including the Deferred Compensation Plan, attached hereto as a part hereof as Exhibit A, two copies of which are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That there shall be no cost to, nor contribution by, the City of Fort Wayne for implementing said Plan, other than incidental expenses, such incidental expenses including but not limited to, the collecting and disbursing of participants, deferrals, and other minor administrative matters.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-220-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-17

RESOLUTION NO. R-61-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$10,000,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, FORT WAYNE CENTER ASSOCIATES TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Fort Wayne Center Associates (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an approximately 250 room module hotel with customary hotel amenities including but not limited to bars, restaurants, specialty shops and catering, located on a 40,500 \pm square foot parcel on a portion of the block bordered by Jefferson, Washington, Calhoun and Harrison, in the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 250 jobs upon completion and 367 jobs within three years to be achieved by the acquisition and construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect

on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-61-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-18

RESOLUTION NO. R-62-82

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF
\$740,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE
OF INDUCING THE APPLICANT, THOMAS A. SHAW,
JAMES J. KELLY, AND HERBERT J. WEBER,
AN INDIANA PARTNERSHIP OR A CORPORATION
TO BE FORMED BY THEM TO PROCEED WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Thomas A. Shaw, James J. Kelly, and Herbert J. Weber, an Indiana Partnership or such Corporation to be formed by them (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or lease proceeds of an economic development financing to the Applicant for the same said economic development facility to be acquisition of real estate and equipment, construction and remodeling of facilities located at 3309 Anthony Blvd. and 5212 South Bend Drive, Fort Wayne, Indiana, for use as car washes, including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase of approximately 20 jobs within three years to be achieved by the acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$740,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburh, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-62-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-19

RESOLUTION NO. R-63-82

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF THE
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$350,000.00 ECONOMIC REVENUE BONDS OF THE
CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT,
MAIN STREET ASSOCIATES
TO PROCEED WITH THE ACQUISITION
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Main Street Associates (the "Application") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of land and improvements located at 210 E. Main Street, Fort Wayne, Indiana, and rehabilitation and renovation of same for use as a parking garage, including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in one job at an annual salary of \$12,000.00 plus enhancement of adjoining commercial space which will be increasing employment by approximately 70 jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-63-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-22

RESOLUTION NO. R-64-82

A RESOLUTION authorizing the transfer
of funds between certain accounts
within the 1982 budget of Parking Administration

WHEREAS, it has become necessary to transfer funds to Account No. 132132PAOF4441 "Purchase of Vehicles" in the 1982 budget of Parking Administration, for which adequate funds exist in Account No. 132-132-PAOF-4371 "Building Rent"; and

WHEREAS, said transfer has been recommended by the City Controller.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne, Indiana is hereby authorized to transfer the sum of Three Thousand Eight Hundred and No/100 Dollars (\$3,800.00) to Account No. 132-132-PAOF-4441 "Purchase of Vehicles" within the 1982 budget of Parking Administration.

SECTION 2. That the unexpended balance of Account No. 132-132-PAFO-4371 "Building Rent" is hereby reduced in the amount of Three Thousand Eight Hundred and No/100 Dollars (\$3,800.00).

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-64-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 Bill No. R-82-12-02

2 Resolution No. R. 65-82

3
4 A Resolution authorizing the transfer of funds
5 between certain accounts within the 1982 budgets
6 of various City departments.

7 WHEREAS, it has become necessary to transfer funds to
8 certain depleted accounts in the 1982 budgets of various City
9 departments; and

10 WHEREAS, adequate funds exist in certain other accounts
11 of the respective City departments; and

12 WHEREAS, such transfers have been recommended by the City
13 Controller.

14 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
15 THE CITY OF FORT WAYNE, INDIANA:

16 Section 1. That the Controller of the City of Fort Wayne,
17 Indiana, is hereby authorized to transfer the following stipu-
18 lated sums within the 1982 budgets of the following listed
19 City departments:

20 Park Department

21 <u>Increase:</u>	4137 Workers Compensation Insurance	\$ 30,000
22	4353 Water	10,000
23	TOTAL	\$ 40,000
24 <u>Reduce:</u>	4231 Gasoline	\$ 20,000
25	4241 Medical Supplies	10,000
26	4261 Building Repair Materials	10,000
27	TOTAL	\$ 40,000

28
1 Economic Development Department

2 <u>Increase:</u>	4219 Office Supplies	\$ 200
3	4323 Telephone	500
4	4331 Printing	500
5	4332 Legal Notices	200
6	4342 Liability Insurance	880
7	4363 Equipment Repair	220
8	TOTAL	\$ 2,500
9 <u>Reduce:</u>	4111 Wages	\$ 2,500
10	TOTAL	\$ 2,500

11
12 Fire Pension

13 <u>Increase:</u>	4219 Office Supplies	\$ 525
14	TOTAL	\$ 525
15 <u>Reduce:</u>	4151 Pension Benefits	\$ 525
16	TOTAL	\$ 525

17
18 Street Engineering

19 <u>Increase:</u>	4231 Gasoline	\$ 2,500
20	4313 Personnel Services	10,000
21	TOTAL	\$12,500
22 <u>Reduce:</u>	4111 Wages	\$12,500
23	TOTAL	\$12,500

24
25 EMS

26 <u>Increase:</u>	4219 Office Supplies	\$ 2,250
27	4235 Propane	18,100
28	4241 Medical Supplies	8,500
29	4246 Household Supplies	1,650
30	4262 Repair Parts	5,500
31	TOTAL	\$36,000
32 <u>Reduce:</u>	4111 Wages	\$36,000
	TOTAL	\$36,000

1	<u>C D & P</u>	
2	<u>Increase:</u> 4212 Stationery/Forms	\$ 700
3	4219 Office Supplies	500
4	4231 Gasoline	600
5	TOTAL	\$ 1,800
6	<u>Reduce:</u> 4317 Instruction	\$ 500
7	4322 Postage	800
8	4374 Equipment Rent	500
9	TOTAL	\$ 1,800
10		
11	<u>Communications</u>	
12	<u>Increase:</u> 4323 Telephone	\$ 500
13	4341 Property Insurance	1,000
14	4342 Liability Insurance	1,700
15	TOTAL	\$ 3,200
16	<u>Reduce:</u> 4263 Repair Parts	\$ 3,200
17	TOTAL	\$ 3,200
18		
19	<u>Public Affairs</u>	
20	<u>Increase:</u> 4219 Office Supplies	\$ 250
21	TOTAL	\$ 250
22	<u>Reduce:</u> 4111 Wages	\$ 250
23	TOTAL	\$ 250
24		
25	<u>Street Department</u>	
26	<u>Increase:</u> 4239 Garage Supplies	\$ 7,000
27	4263 Repair Parts	18,000
28	TOTAL	\$25,000
29	<u>Reduce:</u> 4361 Building Repair	\$15,000
30	4363 Equipment Repair	10,000
31	TOTAL	\$25,000

1	<u>Police Department</u>	\$ 25,000
2	<u>Increase:</u> 4231 Gasoline	\$ 25,000
3	TOTAL	\$ 25,000
4	<u>Reduce:</u> 4395 Grants & Subsidies	\$ 25,000
5	TOTAL	\$ 25,000
6		
7	<u>Law Department</u>	
8	<u>Increase:</u> 4219 Office Supplies	\$ 1,500
9	TOTAL	\$ 1,500
10	<u>Reduce:</u> 4394 Judgements & Awards	\$ 1,500
11	TOTAL	\$ 1,500

Section 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Council Member

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-65-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-12-03

RESOLUTION NO. R-66-82

A RESOLUTION ratifying the transfer of funds
from Account No. 345, Cumulative Capital Fund,
to Account No. 010, General Fund

WHEREAS, a transfer from Account No. 345, Cumulative Capital Fund, to Account No. 010, General Fund, was anticipated and approved in the preparation of the 1982 budget of the General Fund, and for which adequate funds exist in Account 345, and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the transfer by the Controller of the City of Fort Wayne, Indiana of \$400,000 from Account 345, Cumulative Capital Fund, to Account 010, General Fund is hereby approved and ratified all in accordance with the 1982 budget of the City of Fort Wayne.

Section 2. That this RESolution shall be effective from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-66-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-23

SPECIAL ORDINANCE NO. S-221-82

AN ORDINANCE approving Street Improvement
Resolution No. 5949-82, Asphalt
Resurfacing, Fifth Councilmanic District, with
Wayne Asphalt and Construction Company,
Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Wayne Asphalt and Construction Company, Inc., for:

the resurfacing and restoration of the following designated streets: Calhoun Street; Harrison Street; Wildwood Avenue; Leith Street; Cottage Avenue; Creighton Avenue; Esmond Street; Home Avenue; Hoagland Avenue; Fox Avenue; Barr Street; Dalman Avenue; Kinnaird Avenue; Grace Avenue; Wildwood Avenue; and Kinsmoor Avenue;

under Board of Public Works Street Improvement Resolution No. 5949-82, involving a total cost of Four Hundred Twenty-Eight Thousand Six Hundred and 10/100 Dollars (\$428,600.10), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-221-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-24

SPECIAL ORDINANCE NO. S-222-82

AN ORDINANCE approving Street Improvement
Resolution No. 5947-82, 1982 Asphalt
Resurfacing, with Dailey Asphalt Products
Company, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Company, for:

the resurfacing and restoration of pavement
on the following streets: Coldwater Road,
from the north pavement line of Cook Road to a
point 1,550 + feet north thereof (City limits);
St. Joe Road, from the north pavement line of
S.R. #37 to the south property line of Canter -
bury Boulevard; Coliseum Boulevard South,
left turn land adjacent to New Haven Avenue
to the north;

under Board of Public Works Street Improvement Resolution No. 5947-82, involving total cost of Sixty-Four Thousand One Hundred Forty-Three and 08/100 Dollars (\$64,143.08), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-222-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-25

SPECIAL ORDINANCE NO. S-223-82

AN ORDINANCE approving Improvement
Resolution No. 5950-82, State Boulevard
the Bridge to Parnell Avenue, with
John Dehner, Inc., in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated October 13, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and John Dehner, Inc., for:

the reconstruction of the storm sewer system,
widening, resurfacing of the street and con-
struction of new sidewalks, as well as new
street lighting on State Boulevard from the
east end of the bridge to Parnell Avenue;

under Board of Public Works Improvement Resolution No. 595982, involving a total cost of One Hundred Sixty-Six Thousand Nine Hundred Seventy-One and 10/100 Dollars (\$166,971.10), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-223-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. S-82-11-26

SPECIAL ORDINANCE NO. S-224-82

AN ORDINANCE approving Street Improvement
Resolution No. 5948-82, Sixth Councilmanic
District (1982 Resurfacing), with Brooks
Construction Company, Inc., in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Brooks Construction Company, Inc., for:

the resurfacing and restoration of pavement
on the following streets: Hanna; Spatz Avenue, from the south curb line of McKinnie Avenue to the south property line of Sherwood Terrace; Spatz Avenue from the north property line of Maple Grove Avenue to the north curb line of Pettit Avenue; March Lane; Queen Street; Werling Drive; Atwood Drive; Weisser Park Avenue, from the south curb line of McKinnie Avenue to the north curb line of Pettit Avenue; Weisser Park Avenue from the south curb line of Rudisill Boulevard to the north curb line of Baxter Street; West Colonial Avenue, Willoughby Place; Billington Place; S.W. Anthony Wayne; Pettit Avenue; Winter Street; Woodsdale Drive; Roberta Drive; Salem Lane; Palisade Drive, from the east curb line of Fruehauf Drive to the west curb line of Salem Lane Palisade Drive from the west curb line of Radcliff Drive to the east property line of Cascade Drive; Ashcroft Drive, Winston Drive; Marvin Drive; Austin Drive; Maple Grove Avenue; Christofer Lane; Mauldin Drive; Evans Street; Drexel Avenue; Trentman Avenue; Travers Place; and Maverick Place

under Board of Public Works Street Improvement Resolution No. 5948-82, involving a total cost of Five Hundred Fourteen Thousand One Hundred Eighty-Nine and 11/100 Dollars (\$514,189.11), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bra.dbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, talarico
Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-224-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-27

SPECIAL ORDINANCE NO. S-225-82

AN ORDINANCE approving Sewer Resolution
No. 359-82, Cook Road & Research Center
Contract, with Ground Services, Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 22, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Ground Services, Inc., for

the extension of a 15" sanitary sewer: Beginning at an existing manhole on the 24" Spy Run Sanitary Interceptor Sewer 1135 + feet East of the West right-of-way of the Penn Central Railroad and 1380 + feet South of the centerline of Cook Road; thence, Southwesterly in and along a proposed 14 foot easement a distance of 685 + feet; thence, westerly a distance of 500 + feet to the East right-of-way of the Penn Central Railroad; thence Westerly and Northwesterly in and along a proposed 14 foot easement a distance of 215 + feet terminating at a proposed manhole 7 + feet west of the West right-of-way of the Indiana and Michigan Electric Company tower line easement;

under Board of Public Works Resolution No. 359-82, involving a total cost of Thirty-Six Thousand and No/100 Dollars (\$36,000.00) all as more particularly set forth in said Resolution and Contract, and which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-225-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-28

SPECIAL ORDINANCE NO. S-226-82

AN ORDINANCE approving Sewer Resolution
No. 367-82, Dwenger Avenue Contract,
with John Dehner, Inc., in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 29, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and John Dehner, Inc., for:

the installation of a 60" brick sewer
from Diester Machine Company to Dwenger
Avenue Humane Shelter, Federal Emergency
Management Agency Survey Report #044834;

under Board of Public Works Resolution No. 367-82, involving a total cost of Four Hundred Eighty-One Thousand Nine Hundred Fourteen and No/100 Dollars (\$481,914.00), all as more particularly set forth in said Resolution and contract, and which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-226-82 on the 14th day of December, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-29

SPECIAL ORDINANCE NO. S-227-82

AN ORDINANCE approving Change Order
No. 3, Resolution No. 311-80, Ranchwood,
Project No. C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, Resolution No. 311-80, Ranchwood with L.W. Dailey, Inc., in connection with the Board of Public Works for:

the relocation of the sewer on two streets; increase in asphalt surface, realignment of sewer, conflicts with gas mains, replacement of tiles and culverts, and the installation of rolled concrete curbs, gutter, and inlets;

involving a net increase in the amount of Seventy-Eight Thousand Eight Hundred Ninety-Two and 50/100 Dollars (\$78,892.50), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-227-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-30

SPECIAL ORDINANCE NO. S-228-82

AN ORDINANCE approving Resolution No.
363-82, Terminal Ponds & Sludge Lagoon
Contract, with T & G Excavating, Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T & G Excavating, Inc., for:

the repair of Terminal Ponds & Sludge Lagoons, as detailed in the Federal Emergency Management Agency Damage Survey Reports Nos. 047122, 047124, 047127 and 044873;

under Board of Public Works Resolution No. 36382, involving a total cost of Three Hundred Sixty Thousand Five Hundred Eighty-Five and 83/100 Dollars (\$360,585.83), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

Two copies of said Contract are on file with the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None

Date: 12-14-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-228-82 on the 14th day of December, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-31

SPECIAL ORDINANCE NO. S-229-82

AN ORDINANCE approving Sewer Improvement
Resolution No. 365-82, Contract, with
Earth Construction and Engineering, Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 15, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Earth Construction and Engineering, Inc., for:

the storm sewer repair project in the 1200
block of North Barr Street, Federal Emergency
Management Agency Damage Survey Report No.
047027;

under Board of Public Works Resolution No. 365-82, involving a total cost of Five Thousand Seven Hundred Ninety and No/100 Dollars (\$5,790.00), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-229-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-32

SPECIAL ORDINANCE NO. S-230-82

AN ORDINANCE approving Change Order
No. 1, Resolution No. 367-82, Dwenger
60" Brick Sewer Repair, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 367-82, Dwenger 60" Brick Sewer Repair, with John Dehner, Inc., in connection with the Board of Public Works, for:

cleaning of the sewer;

involving a net increase in the amount of Twenty-Five Thousand Three Hundred Fifty and No/100 Dollars (\$25,350.00), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-14-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinnace No. S-230-82 on the 14th day of December, 1982.

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-11-33

SPECIAL ORDINANCE NO. S-231-82

AN ORDINANCE approving Water Contract
82-02, St. Joe Dam and Pumping Station,
with Land Excavating, Inc., in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water Contract 82-02, St. Joe Dam and Pumping Station, dated November 4, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Land Excavating, Inc., for:

the installation of a 12" deep grouted rip-rap placed upon the upstream and downstream sides of the St. Joe Dam on the west side and the placement of #53 crushed stone under the steps and platform and grouting voids;

involving a total cost of Seven Thousand Five Hundred Forty-Five and 31/100 Dollars (\$7,545.31), all as more particularly set forth in said contract which is on file with the Office of the Board of Public Works and is by reference incorporated herein, and approved. Two copies of said contract are on ffile with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-231-82 on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-11-20

RESOLUTION NO. R-67-82

A RESOLUTION on the changing needs of
the community and the development of
exceptional student abilities that are
required to meet those needs

WHEREAS, the economic, social, and political well-being of the United States is dependent upon its moral, cultural, and technological leadership;

WHEREAS, the attainment of full employment and economic welfare is dependent upon the revitalization of our economic base; and

WHEREAS, school systems in the United States are charged with achieving and maintaining academic pre-eminence in the world in order to provide a knowledge base for meeting challenges;

NOW THEREFORE, BE IT RESOLVED, that:

- a. Students with outstanding potential in Grades K through graduate school be identified;
- b. These students have an opportunity to participate in programs designed to develop their strengths within common school settings;
- c. Programs for these students respond to the changing needs of the local community and of the larger world community;
- d. Scientific cultural and economic literacy become a primary goal for all students in our schools; and,
- e. The Indiana Department of Public Instruction and other educational institutions in the state be recognized for their leadership in an initial response to the needs stated above.

BE IT FURTHER RESOLVED THAT:

- a. Sufficient state and local resources implement the resolutions stated above; and,

- b. Increased efforts be made to educate the public about the new demands on local education, business, industry, and the arts along with the corresponding needs of students who have the potential to make outstanding contributions to our changing community.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-14-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution on the 14th day of December, 1982.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of December, 1982, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-82-12-01
2
3 SPECIAL ORDINANCE NO. S- 232-821
4 ORDINANCE AUTHORIZING THE CITY OF
5 FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA
6 ECONOMIC DEVELOPMENT REVENUE BOND
7 (ESSEX GROUP, INC. PROJECT)
8 AND APPROVING OTHER ACTIONS IN RESPECT THERETO
9 WHEREAS, the City of Fort Wayne, Indiana is a "unit" as
10 such is defined by Indiana Law and is authorized by I.C.
11 36-7-12-1 et seq (the Act) and has established a Department of
12 Economic Development known as the Fort Wayne Economic
13 Development Commission, and further is authorized by the Act to
14 issue bonds for the purposes described in the Act; and
15 WHEREAS, the Fort Wayne Economic Development Commission
16 has rendered its project report for the Essex Group, Inc.
17 Project regarding the financing of proposed economic develop-
18 ment facilities for Essex Group, Inc. and the Fort Wayne
19 Plan Commission has commented favorably thereon; and
20 WHEREAS, the Fort Wayne Economic Development Commission
21 conducted a public hearing on December 16, 1982, and also adopted
22 a Resolution on December 16, 1982, which Resolution has been
23 transmitted to this Common Council, finding that the financing
24 of certain economic development facilities for Essex Group, Inc.
25 complies with the purposes and provisions of the Act and that such
26 financing will be of benefit to the health and welfare of the City
27 of Fort Wayne and its citizens, and further finding as follows:
28 a. The financing will not create an unjustified com-
29 petitive disadvantage with other companies within the area;
30 b. The financing will stimulate the local economy;
31 c. The financing will result in creation or retention of
32 a significant number of jobs;
d. The project being financed would not be undertaken
without tax exempt financing; and

1 WHEREAS, the Fort Wayne Economic Development Commission
2 has approved and recommended the adoption of this form of
3 Ordinance by this Common Council and has approved the substan-
4 tially final form of and has transmitted for approval by the
5 Common Council the Loan Agreement, Bond Purchase Agreement, Note,
6 and form of Bond.

7 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
8 CITY OF FORT WAYNE, INDIANA THAT:

9 SECTION 1. It is hereby found that the financing of the
10 economic development facilities referred to in the Loan
11 Agreement, Bond Purchase Agreement, Note, and Bond approved by the
12 Fort Wayne Economic Development Commission and presented to the
13 Common Council, the issuance and sale of the revenue bond, to be
14 used for the acquisition and construction of the economic develop-
15 ment facilities constituting the project and the assigning of a
16 security interest in the Agreement, the Note and the Account and all
17 proceeds derived therefrom to the bondholder complies with the pur-
18 poses and provisions of I.C. 36-7-12 and will be of benefit to the
19 health and welfare of the City of Fort Wayne and its citizens.

20 SECTION 2. The Common Council further finds that (a) the
21 financing will not create an unjustified competitive disadvan-
22 tage to other companies within the area; (b) the financing will
23 stimulate the local economy; (c) the financing will result in
24 the creation or retention of a significant number of jobs; and
25 (d) the project would not be undertaken without tax exempt
26 financing.

27 SECTION 3. The substantially final forms of the Loan
28 Agreement, Bond Purchase Agreement, Note, and Bond approved by the
29 Fort Wayne Economic Development Commission are hereby approved and
30 all such documents (herein collectively referred to as the
31 "Financing Agreement" referred to in I.C. 36-7-12), are hereby
32 approved, and all such documents shall be incorporated herein by

1 reference and shall be inserted in the minutes of the Common Council
2 and kept on file by the Clerk. In accordance with provisions of
3 I.C. 36-1-5-4 two (2) copies of all such documents are on file in
4 the office of the Clerk for public inspection.

5 SECTION 4. The City of Fort Wayne, Indiana shall issue
6 its City of Fort Wayne, Indiana Economic Development Revenue
7 Bond, (Essex Group, Inc. Project), in the total principal amount
8 of not to exceed \$5,000,000.00, maturing December 31, 1992, but sub-
9 ject to mandatory or optional redemption as set forth in the Bond
10 and Bond Purchase Agreement; for the purpose of procuring funds to
11 pay the cost of acquisition and construction of the economic devel-
12 opment facilities as more particularly set out in the Loan
13 Agreement and Bond Purchase Agreement incorporated herein by
14 reference, which Bond will be payable as to principal, premium, if
15 any, and interest from payments made by Essex Group, Inc. under the
16 Loan Agreement and Note as provided in the above-described docu-
17 ments. The Bond is to be issued to Morgan Guaranty Trust Company of
18 New York, and may be assigned and transferred pursuant to the
19 Bond Purchase Agreement; payment of principal and interest is
20 payable in lawful money of the United States of America in imme-
21 diately available funds to the bondholder; the Bond is subject to
22 optional and mandatory redemption as provided in the Bond and the
23 Bond Purchase Agreement. The Bond shall never constitute a general
24 obligation of, an indebtedness of, or a charge against the general
25 credit of the City of Fort Wayne, nor is the Bond payable in any
26 manner from revenues raised by taxation.

27 SECTION 5. The Mayor and Clerk are authorized and
 28 directed to sell the Bond to the purchaser thereof at a rate
 29 of interest as follows: from the date of the Bond until December
 30 31, 1985, at 64% of the Prime Rate (as such rate is defined in the
 31 Loan Agreement), from January 1, 1986 to December 31, 1988 at 65% of
 32 the Prime Rate, and from January 1, 1989 to December 31, 1992 at 65%

1 of the Prime Rate.

2 SECTION 6. The Mayor and Clerk are authorized and
 3 directed to execute, attest, affix or imprint by any means the
 4 City seal to the documents constituting the Financing Agreement
 5 approved herein on behalf of the City and any other documents
 6 which may be necessary or desirable to consummate the transac-
 7 tion, including the Bond authorized herein and approve such other
 8 changes in the Financing Agreement as they may deem necessary or
 9 advisable. The signatures of the Mayor and Clerk on the Bond
 10 shall be by manual signature. - The Clerk is authorized to arrange
 11 for delivery of the Bond to the bondholder, payment for the Bond
 12 will be made to the Bank named in the Bond Purchase Agreement, and
 13 after such payment the Bond will be delivered to the bondholder.
 14 The Mayor and Clerk shall execute and the Clerk shall deliver the
 15 Bond to the bondholder within ninety days of the adoption of this
 16 Ordinance. The Bond shall be initially dated as of the date of
 17 issuance and delivery.

18 SECTION 7. The provisions of this Ordinance and the
 19 Bond Purchase Agreement shall constitute a contract binding between
 20 the City of Fort Wayne and the holder of the City of Fort Wayne,
 21 Indiana Economic Development Revenue Bond (Essex Group, Inc.
 22 Project) and after the issuance of said Bond, this Ordinance shall
 23 not be repealed or amended in any respect which would adversely
 24 affect the rights of such holder so long as said Bond or the
 25 interest thereon remains unpaid.

26 SECTION 8. This Ordinance shall be in full force and
 27 effect from and after its passage and signing by the Mayor.

28 Mark E. GiaQuinta
 29 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier
 and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
 Ordinance No. S-232-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Samuel J. Talarico
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December,
 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 29th day of December, 1982, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-82-12-04

SPECIAL ORDINANCE NO. S-233-82

AN ORDINANCE re-establishing the Fort
Police Merit System

WHEREAS, the City of Fort Wayne, Indiana, has, pursuant to I.C. 19-1-20, a Police Merit Bill;

WHEREAS, it is the desire of the City of Fort Wayne, Indiana, to retain this System;

WHEREAS, to retain this System, an Ordinance must be passed by the Common Council of the City of Fort Wayne, Indiana, before January 1, 1983;

WHEREAS, this Ordinance is adopted pursuant to I.C. 36-8-3.5-1(b).

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, does, by this Ordinance, re-establish the Fort Wayne Police Merit System by incorporating herein all of the provisions of the prior applicable statutes in their entirety.

SECTION 2. That by incorporating herein all of the provisions of the prior statutes, the Common Council of the City of Fort Wayne, Indiana, has re-affirmed and re-enacted the provisions of the following enumerated statutes:

1. I.C. 19-1-20-1, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 1-30.

2. I.C. 19-1-20-2, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-131; provided, however, that the Police Commission appointees therein referred to shall continue for the present terms as previously established.

3. I.C. 19-1-20-3, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-132.

4. I.C. 19-1-20-4, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-133.

5. I.C. 19-1-20-5, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-134.

6. I.C. 19-1-20-6, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-135; provided, however, that appointments made thereunder need not be re-established due to the fact that appointments have already been made pursuant to that Section.

7. I.C. 19-1-20-7, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-136.

8. I.C. 19-1-20-8, which shall be added to the Municipal Code of the City of Fort Wayne, Indiana, and known as Section 20-137.

SECTION 3. That attached hereto, as a part hereof, as Exhibit "A", is the complete and full language of the statutory sections herein referred to and same is made a part hereof. It is noted that said statutes may refer to certain acts that had to be done within a certain time frame after the establishment of the act (June 1, 1981), and such acts have already occurred.

SECTION 4. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-233-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-01-06

GENERAL ORDINANCE NO. G-34-82

AN ORDINANCE amending certain Sections
of Chapter 17 of the Code of the City
of Fort Wayne, Indiana of 1974.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Schedule 1A, Section 21(b) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting to Schedule 1A the following:

TRAFFIC SIGNAL Broadway

	-and-	Lavina St.
Calhoun St.	-and-	Lewis St.
South Coliseum Blvd.	-and-	Magnavox #129
Harrison St.	-and-	Lewis St.

SECTION 2. That Schedule 5, Section 49 of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

Lavina St.	-stop-	for Broadway
Lewis St.	-stop-	for Calhoun St.
Lewis St.	-stop-	for Harrison St.
Secretary Dr.	-stop-	for Production Rd.
Summit St.	-stop-	for Division St.

SECTION 3. That Schedule 7, Section 90, of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 7 the following:

NO PARKING

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Eade Ave.	East Side	Fricke Ave.	First alley south thereof
Harrison St.	West Side	Superior St.	Jefferson Blvd.
Harrison St.	East Side	Superior St.	Douglas Ave.

SECTION 4. That Schedule 8, Section 90, of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting from Schedule 8, the following:

NO PARKING 7 A.M. to 4 P.M. SCHOOL DAYS ONLY

Eade Ave.	East Side	Fricke Ave.	East State Blvd.
-----------	-----------	-------------	------------------

SECTION 5. That Schedule 12, Section 93(c) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting from Schedule 12, the following:

2 HOUR PARKING 8 A.M. to 6 P.M.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Harrison St.	West Side	Superior St.	Jefferson Blvd.
Harrison St.	East Side	Superior St.	Douglas Ave.
Wayne St.	North Side	16 ft. east Webster St.	40 ft. east thereof

SECTION 6. That Schedule 12, Section 93(c) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting from Schedule 12, the following:

2 HOUR PARKING 8 A.M. to 3 P.M.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Harrison St.	West Side	Lewis St.	115 ft. north thereof

SECTION 7. That Schedule 20, Section 93 (f) of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 20, the following:

15 MINUTE PARKING 8 A.M. to 6 P.M.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Wayne St.	North Side	16 ft. east Webster St.	40 ft. east thereof

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-34-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-07-03

ZONING MAP ORDINANCE NO. Z-20-82

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974:

Lot #3 Avondale Addition

and the symbols of the City of Fort Wayne Zoning Map No. N-11, as established by Section 11 of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and the legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Schmidt, Schomburg, Stier Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. Z-20-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.
Win Moses, Jr., Mayor'

BILL NO. S-82-12-05

SPECIAL ORDINANCE NO. S-234-82

AN ORDINANCE approving Street Improvement
Resolution No. 5952-82, Resurfacing in
Third Councilmanic District, with Brooks
Construction Company, Inc., in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated October 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Brooks Construction Company, Inc., for:

the resurfacing and restoration of pavement on the following streets: North Highlands Boulevard; Cherokee Road; Hinton Drive; Wells Street; Florence Avenue; St. Mary's Avenue; Franklin Avenue; Strand Road; Jessie Avenue; Tennessee Avenue, Sherman Boulevard; Eastbrook Drive; Fairhill Road; Schilling Avenue; and Lindenwood Avenue;

under Board of Public Works Street Improvement Resolution No. 595282, involving a total cost of Three Hundred Six Thousand Four Hundred Seventy-Four and 50/100 Dollars (\$306,474.50), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-234-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-06

SPECIAL ORDINANCE NO. S-235-82

AN ORDINANCE approving Change Order
No. 1, Resolution No. 5944-82, 1982
Resurfacing, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 5944-82, 1982 Resurfacing, with Wayne Asphalt & Construction Co., Inc., in connection with the Board of Public Works, for:

the addition of new limits to the original
Lindenwood resurfacing project to include
the Lindenwood railroad elevation underpass
thereby eliminating the necessity for an
additional project and contractor;

involving a net increase in the amount of Thirty-One Thousand Four and 90/100 Dollars (\$31,004.90), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-235- 82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12: 30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-07

SPECIAL ORDINNANCE NO. S-236-82

AN ORDINANCE approving Change Order
No. 1 and Final, Wildwood River Crossing,
Contract 82-XP-1, in conenction with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and Final, Wildwood River Crossing, Contract 82-XP-1, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

the decrease in actual amounts of asphalt
rip-rap used in project;

involving a net decrease in the amount of Six Hundred Ninety-Three and No/100 Dollars (\$693.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-236-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-08

SPECIAL ORDINANCE NO. S-237-82

AN ORDINANCE approving Street Improvement
Resolution No. 5944-82, Harrison Hill
Addition Resurfacing, with Wayne Asphalt
and Construction Company, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Wayne Asphalt and Construction Company, for:

the resurfacing and restoration of pavement
on the following streets: Lindenwood Avenue,
Portage Boulevard, Branning Avenue, Lexington
Avenue, North Cornell Circle, Radial Lane,
South Seminole Circle, South Cornell Circle,
North Seminole Circle, Pasadena Drive, Maxine
Drive, West Foster Parkway, Hoagland Avenue,
and Webster Street;

under Board of Public Works Street Improvement Resolution No. 5944-82, involving a total cost of One Hundred Ninety-Six thousand Six Hundred Fifty-Five and 30/100 Dollars (\$196,655.30), all as particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection. according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-28-82
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-237-82 on the 28th day of December, 1982

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-09

SPECIAL ORDINANCE NO. S-238-82

AN ORDINANCE approving Change Order No. 3
and Final, Resolution No. 315-80,
Aldae Acres - Dau's Suburban, Project
No. C-180599-06, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 and Final, Resolution No. 31580, Aldae Acres - Dau's Suburban, Project No. C-180599-06, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in
the contract unit price to conform with
actual quantities installed in order to
close out and complete the project;

involving a net increase in the amount of Twenty-Five Thousand Nine Hundred Seventy-Four and 68/100 Dollars (\$25,974.68), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage

and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-238-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-10

SPECIAL ORDINANCE NO. S-239-82

AN ORDINANCE approving Change ORDER
No. 3 and Final, Resolution No. 316-80,
Cinderella Village, Project No. C-180599-06,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 and Final, Resolution No. 316-80, Cinderella Village, Project No. C-180599-06, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in the contract unit price to conform with actual quantities installed in order to close out and complete the project;

involving a net decrease in the amount of Twenty Thousand Fifty-Two and 90/100 Dollars (\$20,052.90), all as more particularly set forth in the specifications, and which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-239-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-11

SPECIAL ORDINANCE NO. S-240-82

AN ORDINANCE approving Change Order No. 2 and Final, Resolution No. 317-80, Auers-McAdams-Highland Grove Addition, Project No. C-180599-06, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and Final, Resolution No. 317-80, Auers-McAdams-Highland Grove Addition, Project No. C-180599-06, with John Hartman Construction, in connection with the Board of Public Works, for:

the adjustment of estimated quantities in
the contract unit price to conform with
actual quantities installed in order to close
out and complete project;

involving a net decrease in the amount of Two Thousand Three Hundred Sixty-Seven and 95/100 Dollars (\$2,367.95), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-240-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-12

SPECIAL ORDINANCE NO. S-241-82

AN ORDINANCE approving Change Order
No. 2 and Final, Resolution No. 320-80,
Patton Trailer Park, Project No.
C-180599-06, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and Final, Resolution No. 32080, Patton Trailer Park, Project No. C-180500-06, with Scheidleman Excavating, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities to
conform with actual quantities installed
in order to close out and complete project;

involving a net increase in the amount of Three Hundred Fifty-Nine and 41/100 Dollars (\$359.41), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.'

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-241-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-13

SPECIAL ORDINANCE NO. S-242-82

AN ORDINANCE approving Change Order
No. 5 and Final, Resolution No. 312-80,
Concordia Gardens, Project No. C-180599-06,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 and Final, Resolution No. 312-80, Concordia Gardens, Project No. C-180599-06, with Weitzel Construction, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in the contract unit price to conform with actual quantities installed in order to close out and complete the project;

involving a net increase in the amount of Fifty-Six Thousand Three Hundred Twenty-One and 82/100 Dollars (\$56,321.82), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQunita, Schmidt, Schomburg, Scruggs, STier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-242-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December,

1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-14

SPECIAL ORDINANCE NO. S-243-82

AN ORDINANCE approving Change Order
No. 6 and Final, Resolution No. 313-80,
Limberlost-Mardego Hills, Project No.
C-180599-06, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 6 and Final, Resolution No. 313-80, Limberlost-Mardego Hills, Project No. C-180599-06, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works for:

the adjustment of estimated quantities in
the contract unit price to conform with
actual quantities installed in order to
close out and complete the project;

involving a net increase in the amount of Five Thousand Two Hundred Eighteen and 20/100 Dollars (\$5,218.20), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaAuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-243-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-15

SPECIAL ORDINANCE NO. S-244-82

AN ORDINANCE approving Change Order No. 4 and Final, Resolution No. 314-80, Phase I, Hollywood Gardens-Beverly Heights, Project No. C-180599-06, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 and Final, Resolution No. 314-80, Phase I, Hollywood Gardens-Beverly Heights, Project No. C-180599-06, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in the contract unit price to conform with actual quantities installed in order to close out and complete the project;

involving a net increase in the amount of Eighteen Thousand Six Hundred Twenty-Three and 01/100 Dollars (\$18,623.01), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-244-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-16

SPECIAL ORDINANCE NO. S-245-82

AN ORDINANCE approving Change Order No. 3 and Final, Resolution No. 314-80, Phase II, Waterwolde-Northwood Park, Project No. C-180599-06, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 and Final, Resolution No. 314-80, Phase II, Waterwolve Northwood Park, Project No. C-180599-06, with Bercot Incorporated, in connection with the Board of Public Works, for:

the adjustment of estimated quantities in
contract unit price to conform with
actual quantities installed in order to
close out and complete the project;

involving a net increase in the amount of Eleven Thousand Two Hundred Fifty-Five and 75/100 Dollars (\$11,255.75), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-245-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-17

SPECIAL ORDINANCE NO. S-246-82

AN ORDINANCE approving Change Order
No. 6, Water Quality Control Project,
AWT, Phases A, B, and C, Federal
Project No. C-180774-03, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 6, Water Quality Control Project, AWT, Phases A, B, and C, Federal Project No. C-180774-03, with Hagerman-Shambaugh, Joint Bidder, in connection with the Board of Public Works, for:

the deletion of various items thereby reducing
total project cost without significantly altering
existing design flow or size of project; involving a net decrease in the amount of Seventy-One Thousand Two Hundred Ninety-Eight and No/100 Dollars (\$71,298.00), all as more particularly set

forth in the specifications, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-246-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-18

SPECIAL ORDINANCE NO. S-247-82

AN ORDINANCE approving Water Contract
82-03, Cedarville Reservoir, with
T & G Excavating Inc., in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water Contract 82-03, Cedarville Reservoir, dated October 13, 1982, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and T & G Excavating, Inc., for:

the installation of seventy (70) feet of compacted backfill and stone rip-rap on the left (east) side of the Cedarville Dam and forty (40) feet of stone rip-rap on the right (west) side of the Cedarville Dam, as defined in Federal Emergency Management Agency Damage Survey Reports Nos. 041888 and 044892;

involving a total cost of Six Thousand Five Hundred Seven and no/100 Dollars (\$6,507.00), all as more particularly set forth in said contract which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-247-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-82-09-31

ANNEXATION ORDINANCE NO. X-04-82

AN ORDINANCE annexing certain territory commonly known as the Colony Bay Annexation Area to the City of Fort Wayne, Indiana and including the same in Councilmanic District No. 4

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of Section 7 and 18, Township 30 North Range 12 East, all in Allen County, Indiana; to-wit:

Commencing at the intersection of the north right-of-way line of Covington Road and the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west along said east-west center line a distance of 80 feet to the west right-of-way line of Getz Road; thence north along said west right-of-way line a distance of 280 feet to the northeast corner of Lot #8 Covington Acres Amended Addition to the City of Fort Wayne; thence west along the north line of said lot to the northwest corner of said Addition, which is also the northwest corner of said Lot #8; thence south along the west line of said Addition to the east-west center line of Section 7, Township 20 North, Range 12 East; thence west on said center line to the Township Line which is also the west line of Section 7, Township 30 North, Range 12 East; thence south on the Township Line to the north right-of-way line of Jefferson Blvd. (U.S. Highway 24); thence northeasterly along said right-of-way line to the north right-of-way line of Covington Road; thence west along said north right-of-way line to the point of beginning. The area contains 177.41 acres, more or less.

SECTION 2. The City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to area within the City which have similar topography,

patterns of land utilization, and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory with three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. Governmental and propriety services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said described territory shall be part of City Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne of 1974, as amended.

SECTION 5. After its passage, approval by the Mayor, final publication, and the required sixty (60) days remonstrance period, this Ordinance shall be in full force and effect on December 31, 1984, except for the following described territory in which case it shall be in full force and effect on December 31, 1986:

Part of the Fractional Northwest Quarter of Section 18,
Township 30 North, Range 12 East, Allen County, Indiana described as follows to-wit:

Commencing at the Northwest corner of said Fractional Quarter Section; thence East on the North line of said Quarter Section as defined by the centerline of the Covington Road, a distance of 956.5 feet; thence Southeasterly by a deflection right of 54 degrees 14 minutes, a distance of 205.9 feet; thence Northeasterly by a deflection left of 86 degrees 48 minutes, a distance of 16.5 feet; thence Southeasterly by a deflection right of 90 degrees 00 minutes along the centerline of the Flaugh Drain, a distance of 339.2 feet; thence Southwesterly by a deflection right of 86 degrees 43 minutes, a distance of 250.1 feet; thence continuing Southwesterly, a distance of 68.1 feet to a point situated 179.3 feet Northwest of the right-of-way line of U.S. Highway No. 24, now known as West Jefferson Boulevard; thence continuing Southwesterly, a distance of 424.9 feet to a point situated 200 feet Northwest of said right-of-way line; thence Southwesterly by a deflection left 90 degrees 16 minutes, a distance of 200.2 feet to the said right-of-way line of U.S. Highway No. 24; thence South 51 degrees West by a deflection right of 89 degrees 31 minutes on the right-of-way line aforesaid, a distance of 667.4 feet; thence continuing South 57 degrees West on said right-of-way line, a distance of 148 feet; thence continuing South 51 degrees West on said right-of-way line, a distance of 203 feet to the West line of said Quarter Section; thence North on the line aforesaid, a distance of 1685.3 feet to the point of beginning; containing 31 acres, more or less.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-09-32

RESOLUTION NO. R-68-82

A RESOLUTION of the Common Council
of the City of Fort Wayne, Indiana
setting forth the policy of the City
of Fort Wayne, Indiana in regards to
the annexation of the Colony Bay
Annexation Area

WHEREAS, the annexation of territory to the City is a legislative function; and

WHEREAS, the Common Council is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council has before it an Ordinance for the annexation of the Colony Bay Annexation Area, more specifically described as follows, to-wit:

Parts of Section 7 and 18, Township 30 North, Range 12 East, all in Allen County, Indiana; to-wit:

Commencing at the intersection of the north right-of-way line of Covington Road and the east right-of-way line of Getz Road; thence north along the east right-of-way line of Getz Road to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west along said east-west center line a distance of 80 feet to the west right-of-way line of Getz Road; thence north along said west right-of-way line a distance of 280 feet to the northeast corner of Lot #8 Covington Acres Amended Addition to the City of Fort Wayne; thence west along the north line of said lot to the northwest corner of said Addition, which is also the northwest corner of said Lot #8; thence south along the west line of said Addition to the east-west center line of Section 7, Township 30 North, Range 12 East; thence west on said center line to the Township Line which is also the west line of Section 7, Township 30 North, Range 12 East; thence south on the Township Line to the north right-of-way line of Jefferson Blvd. (U.S. Highway 24); thence northeasterly along said right-of-way line to the north right-way line of Covington Road; thence west along said north right-of-way line to the point of beginning. The area contains 177.41 acres, more or less.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Colony Bay annexation it is the policy of the City of Fort Wayne to follow the provision of Section 1.1. of Chapter 2 of the Municipal Code of the City of Fort Wayne of 1974, as amended, with regards to the provisions of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory as prepared by the Department of Community Development and Planning which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth costs estimates of the service to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three(3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. Said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force upon the effective date of the Colony Bay Annexation Ordinance.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 12-28-82

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-68-82 on the 28th day of December, 1982

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1982, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 3rd day of January, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-12-21

RESOLUTION NO. R-01-83

R

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN AMENDED INDUCEMENT
RESOLUTION OF THE FORT WAYNE ECONOMIC
DEVELOPMENT COMMISSION AUTHORIZING THE
ISSUANCE AND SALE OF \$1,400,000 ECONOMIC
REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA
INCLUDING \$500,000 WHICH HAS ALREADY BEEN
CLOSED, FOR THE PURPOSE OF INDUCING THE
APPLICANT, MULLINEX PACKAGES, INC.
TO PROCEED WITH THE ACQUISITION
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Mullinex Packages, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be purchase of equipment in addition to the equipment previously induced, said equipment to be located at 3500 Engle Road, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 16 jobs within three years to be achieved by the acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, Mullinex Packages, Inc. Applicant"), has previously filed an Application with the Fort Wayne Economic Development Commission (the "Commission") on June 15, 1981, and

WHEREAS, the Commission adopted an Inducement Resolution on June 18, 1981 in favor of the Applicant in the amount of \$900,000.00; and

WHEREAS, the Issuer has issued \$500,000.00 of Revenue Bonds to finance economic development facilities for the Applicant and therefore, \$400,000.00 in Revenue Bonds have been authorized by the Commission and the Common Council of the City of Fort Wayne, but have remained unissued; and

WHEREAS, the Applicant has filed an Amended Application with the Commission requesting a total inducement of \$1,400,000.00 including the \$900,000.00 previously induced; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion

of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,400,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Amended Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-01-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-22

SPECIAL ORDINANCE NO. S-01-83

AN ORDINANCE approving Civil City
Purchase Orders No. A-023918 and A-23970,
with Allen Business Machines and Royal Typewriter Co.
of Fort Wayne, Inc., respectively, for various
departments within the City, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders No. A-023918 and A-23970, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Board of Public Works and Allen Business Machines and Royal Typewriter Co. of Fort Wayne, Inc., for:

the blanket purchase of twelve (12) typewriters to replace worn equipment, thereby creating more efficiency within various departments of the City;

involving a total cost of Eight Thousand Three Hundred Sixty-Eight and No/100 Dollars (\$8,368.00). Of said total cost Purchase Order No. A-023918 involve seven units at \$649.00 each, totaling Four Thousand Five Hundred Forty-Three and No/100 Dollars (\$4,543.00), and Purchase Order No. A-23970 involves five units at \$765.00 each, totaling Three Thousand Eight Hundred Twenty-Five and No/100 Dollars (\$3,825.00), all as more particularly set forth in said Purchase Order which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-01-83 on the 11th day of January, 1983

ATTEST (SEAL)

Charles W. Westerman
City Clerk
Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-23

SPECIAL ORDINANCE NO. S-02-83

AN ORDINANCE approving Civil City
Purchase Order No. A-21242, with Allen
County Tractor Sales for the Street Department,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-21242, between the City of Fort Wayne,

by and through the Civil City Purchasing Agent and the Board of Public Works and Allen County Tractor Sales, for:

the purchase of two (2) From End Loaders to be used by the Street Department for snow removal involving a total cost of Eight Thousand Four Hundred Forty-Four and 48/100 Dollars (\$80,444.48), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-02-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-39

SPECIAL ORDINANCE NO. S-03-83

AN ORDINANCE approving various Civil City Purchase Orders for the contracting of equipment for the Street Department, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Civil City Purchase Orders listed below, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Board of Public Works, for:

the contracting of various types of snow removal and construction equipment for the Street Department, if deemed necessary to contract such services outside of the City;

with the following vendors involving the amounts as listed on Exhibit "A", which is attached hereto, made a part hereof as if fully set out herein, all as more particularly set forth in said Purchase Orders, which are on file with the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved:

<u>Vendor</u>	<u>Purchase Order No.</u>
Moellering Construction Co., Inc.	A-23735
Paul C. Brudi Stone & Gravel Co., Inc.,	A-23736
Spears-Dehner, Inc.	A-23737
T-G Excavating, Inc.	A-23738
Graves Trucking, Inc.	A-23739
Bunsold Trucking, Inc.	A-23740
Land Excavating, Inc.	A-23741
Bercot, Inc.	A-23742
Allen County Aggregates, Inc.	A-23743
All Star Constrction & Excavating	A-23744
L.W. Dailey, Inc.	A-23745

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-03-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-82-12-21 (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-01-83

AN ORDINANCE amending General Ordinance
No. G-14-81 dealing with animals

Section 1. That portion of Section 6-21 of General Ordinance No. G-14-81 is repealed in its entirety and the following is substituted thereof:

ARTICLE VII
PENALTIES AND VIOLATIONS

Section 6-21 PENALTIES AND VIOLATIONS

- (1) Violators of this ordinance shall be fined as follows:

Class A Offense: Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).

Class B Offense: Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).

Class C Offense: Not less than fifteen dollars (\$15.00) nor more than one thousand dollars (\$1,000.00).

Class A Offense: All those offenses having to do with the humane care and/or treatment of animals, unless otherwise specified. For purposes of this Ordinance Class A offenses shall be Section 6-4-(1,2,3,5,9,10,11,13,14,15,17, 18,19,24,25,27).

Class B Offense: Those offenses, unless otherwise specified, having to do with nuisance violations. For purposes of this Ordinance, Class B offenses shall be Section 6-4-(6,7,16,20,21,22,26).

Class C Offense: Those violations, unless otherwise specified, having to do with permits and licenses. For purposes of this ordinance, Class C offenses shall be Section 6-4-(4,8,23); Section 6-7-(1,2); Section 6-8-(1,2,3,4,5); Section 6-9-(1,2,3,4,5,6,7,8,9); Section 6-10-(1,2,3,4,5,6,7,8,9); Section 6-11-(1,2,3); Section 6-12-(1,2); Section 6-13-(1,2,3,4,5); Section 6-14.

- (2) Each offense shall be considered a separate offense and subject to fine and/or other disposition as herein provided.

- (3) In the event that an animal is retained at the Shelter because its owner has been in violation of this ordinance, the person redeeming the animal by paying the fine shall also be subject to paying for medical bills incurred for routine shots for animals at the Animal Control Shelter.

- (4) Violators, upon conviction, may be given the opportunity to work at the Animal Control Shelter and/or participate in a humane education program, if so recommended by the court.

- (5) Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.

- (6) Violations of this ordinance may result in immediate impoundment of animal(s).

- (7) Violation of any provision of this ordinance may result in revocation of any permit(s).

Section 2. In all respect except as herein repealed and amended said General Ordinance No. G1481 shall be in full force and effect.

Section 4. SEVERABILITY

- (1) If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 5. EFFECTIVE DATES OF THIS ORDINANCE

- (1) This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication or legal posting thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Scruggs, Stier, Talarico
Nays: One
Schomburg

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-01-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-24

SPECIAL ORDINANCE NO. S-04-83

AN ORDINANCE approving Change Order No. 1,
Resolution No. 5938-82, 1982 Resurfacing
(Goshen Road), in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 5938-82, 1982 Resurfacing (Goshen Road), with Dailey Asphalt Products Co., in connection with the Board of Public Works, for:

additional asphalt along with shoulder sealer and chip and seal items which were not included in the contract, thereby decreasing future maintenance;

involving a net increase in the amount of Nine Thousand Nine Hundred Seventy-Seven and 07/100 Dollars (\$9,977.07), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-04-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-26

SPECIAL ORDINANCE NO. S-05-83

AN ORDINANCE approving Street Improvement Resolution No. 5951-82, Asphalt Resurfacing, First Councilmanic District, with Dailey Asphalt Products Co., Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated October 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Dailey Asphalt Products Co., Inc., for:

the resurfacing and restoration of pavement on the following streets: Wabash Avenue; Holly Avenue; Felician Street; Raymond Avenue; New Haven Avenue; Tecumseh Street; Delta Boulevard; Creighton Avenue; Forest Valley Drive; Grandeur Drive; Monarch Drive; Countess Drive; Warren Street; Pennsylvania Street; McDonald Street; Pittsburg Street; and Winch Street;

under Board of Public Works Street Improvement Resolution No. 5951-82, involving a total cost of Five Hundred Fifty-One Thousand Six Hundred Fifty-Seven and 95/100 Dollars (\$551,657.95), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-05-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-27

SPECIAL ORDINANCE NO. S-06-83

AN ORDINANCE approving Sewer Improvement
Resolution No. 372-82, Group 7, Sewer Repairs
for the City of Fort Wayne, with All Star
Construction & Excavating, Inc., in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated October 13, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and All Star Construction & Excavating, Inc., for:

flood damage spot repair and/or replacement of twelve (12) headwall structures as follows: north of Charlotte Avenue to Pump Station; North Side Drive and Enwood Avenue; North Side Drive and Vance Avenue; Woodrow Avenue and St. Joseph River Drive; north of Parnell Avenue Bridge; south of Tennessee Avenue Bridge, Prospect Avenue and Griswold Drive; east of Coombs Street Bridge; south of Railroad Bridge and Jefferson Street; Riverside Avenue and Griswold Drive; Lawton Place and Griswold Drive; and west of Coombs Street Bridge; as listed in Federal Emergency Management Agency Damage Survey Reports No. 044875; 044876; 044877, 044878; 044879; 044880; 044881; 044882; 044883; 044898; 044899; and 044900;

under Board of Public Works Sewer Improvement Resolution No. 372-82, involving a total cost of Sixteen Thousand Nine Hundred Eleven and 82/100 Dollars (\$16,911.82), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-06-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-28

SPECIAL ORDINANCE NO. S-07-83

AN ORDINANCE approving Resolution No. 5946-82,
West Central, Phase VII, with Hipkind Concrete
Corporation, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Hipkind Concrete Corporation, for:

the installation of curbs and sidewalks where needed on the following streets: thieme Drive; Main Street; Nelson Street; Berry Street; Wayne Street; Rockhill; Jackson Street; and Union Street; also known as West Central Neighborhood Improvement, PhaseVII;

under Board of Public Works Resolution No. 594682, involving a total cost of Twenty-Three Thousand Four Hundred Eighty-Nine and 50/100 Dollars (23,489.50), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-07-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-25

SPECIAL ORDINANCE NO. S-08-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-23978, with All Phase
Electric for the Street Lighting
Department in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-23978, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and All Phase Electric, for:

the blanket purchase of electric lamps to fulfill 1983 electric lamp requirements for the Street Lighting Department:

involving a total cost not to exceed Thirty-Three Thousand and No/100 Dollars (\$33,000.00) all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbrat, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-08-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-29

SPECIAL ORDINANCE NO. S-09-83

AN ORDINANCE approving Change Order No. 1,
Sewer Resolution No. 363-82, Terminal Ponds
& Sludge Lagoons, in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Sewer Resolution No. 363-82, Terminal Ponds & Sludge Lagoons, Federal Emergency Management Damage Survey Report No. 042049, with T-G Excavating, Inc., in connection with the Board of Public Works, for:

the addition to the existing contract covering the excavation of two sections of 18 inch sewer, thereby re-establishing the proper flow characteristics;

involving a net increase in the amount of Nine Thousand SEven Hundred Ninety and No/100 Dollars (\$9,790.00),

all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-09-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-30

SPECIAL ORDINANCE NO. S-10-83

AN ORDINANCE approving Change Order
No. 4 and Final, Resolution No. 311-80, Ranchwood,
St. Joe Study Area, Project No. C-180599-06
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 and Final, Resolution No. 311-80, Ranchwood, St. Joe Study Area, Project No. C-180599-06, with L.W. Dailey, Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in the contract unit price to conform with actual quantities installed in order to close out and complete the project;

involving a net increase in the amount of Thirty-Nine Thousand Eight Hundred Fifteen and 65/100 Dollars (\$39,815.65), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-10-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-31

SPECIAL ORDINANCE NO. S-11-83

AN ORDINANCE approving Change Order
No. 5 and Final, Resolution No. 310-80,
Phase IV, St. Joe Study Area,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 and Final, Resolution No. 310-80, Phase IV, St. Joe Study Area, with Rocco Ferrera & Co., Inc., in connection with the Board of Public Works, for:

the adjustment of estimated quantities in the contract unit price to conform with actual quantities installed in order to close out and complete the project;

involving a net decrease in the amount of Fifty-One Thousand Nine Hundred and One and 35/100 Dollars (\$51,901.35), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-11-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-32

SPECIAL ORDINANCE NO. S-12-83

AN ORDINANCE approving City Utilities Purchase Orders No. A-29061 and A-29062, with Carbon Dioxide Sales Company and Liquid carbonic Corp., respectively, for the Three Rivers Filtration Plant in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders No. A-29061 and A-29062, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Carbon Dioxide Sales Company and Liquid Carbonic Corp., respectively, for;

the blanket purchase of 540 tons of Liquid Carbon Dioxide at \$65.00 per ton to be used in the operation of the Three Rivers Filtration Plant;

involving a total cost not to exceed Seventy Thousand Two Hundred and No/100 Dollars (\$70,200.00), each Purchase Order involving a total cost not to exceed Thirty-Five Thousand One Hundred and No/100 Dollars (\$35,100.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-12-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-33

SPECIAL ORDINANCE NO. S-13-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-23982, with Ulrich Chemicals
for the Water Pollution Control Plant
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A23982, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Ulrich Chemicals, for:

the blanket purchase of liquid chlorine, used in the sanitation process, limited to 220 tons at \$105.94 per ton, for the Water Pollution Control Department;

involving a total cost not to exceed Twenty-Three Thousand Three Hundred Six and 80/100 Dollars (\$23,306.80), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-13-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-34

SPECIAL ORDINANCE NO. S-14-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-024017, with State
Equipment Co., Inc. for the Water Maintenance
and Service Department in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-024017, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and State Equipment Company, Inc., for:

the purchase of two Air Compressors to be
used by the Water Maintenance and Service
Department for main breaks;

involving a total cost of Seventeen Thousand One Hundred Twenty and No/100 Dollars (\$417,120.00) all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuita, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-14-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-35

SPECIAL ORDINANCE NO. S-15-83

AN ORDINANCE approving Sewer Resolution No. 364-82, Group 3, Sewer Repairs for the City of Fort Wayne, with Land Excavating, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 29, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Land Excavating, Inc., for:

the spot repair and/or replacement of three (3) sewer segments as follows: Washington to Berry; Harrison, Main to Pearl; Alley between Harrison and Calhoun, north of Main; as listed in Federal Emergency Management Agency Damage Survey Report Nos. 044894; 044896; and 044895, respectively;

under Board of Public Works Resolution No. 36482, involving a total cost of Two Hundred Twenty-Seven Thousand Nine Hundred Forty-Three and 65/100 Dollars (\$227,943.65), all as more particularly set forth in said Resolution and Contract, and which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilmember

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-11-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-15-83 on the 11th day of January, 1983

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-36

SPECIAL ORDINANCE NO. S-16-83

AN ORDINANCE approving Sewer Resolution No. 373-82, Group 8, Sewer Repairs for the City of Fort Wayne, with Land Excavating, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated September 29, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Land Excavating, Inc., for:

the spot repair and/or replacement of five (5) sewer segments as follows: intersection of Codey and Pemberton; sewer cleaning and manhole repair, Nebraska area; manhole repair, Broadway and Rudisill Boulevard; 1314 North Harrison; 512 Wagner; as listed in Federal Emergency Management Agency Damage Survey Report Nos. 047089; 047093; 047093; 047241; 047242; and 047243, respectively;

under Board of Public Works Resolution No. 373-82, involving a total cost of Thirty-Nine Thousand Eight Hundred Twenty-Five and 50/100 Dollars (\$39,825.50), all as more particularly set forth in said Resolution and Contract, and which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file in the Office of the City Clerk and are made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-37

SPECIAL ORDINANCE NO. S-17-83

AN ORDINANCE approving Resolution No.
376-82, Nebraska Lift Station Outfall
Repair, with T-G Excavating, Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and T-G Excavating, Inc., for:

the replacement of sewer pipe, filling of void with sand, sheeting of opening with galvanized sheet piling; and providing of grouted rip-rap to stabilize the bank, as outlined in Federal Emergency Management Agency Damage Survey Reports No. 044819; 040248 and 48179;

under Board of Public Works Resolution No. 37682, involving a total cost of Eighteen Thousand Six Hundred Forty-Four and 50/100 Dollars (\$18,644.50), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-38

SPECIAL ORDINANCE NO. S-18-83

AN ORDINANCE approving Street Lighting
Resolution No. 162-82, Lough Nest,
with The Weikel Line Co., Inc.,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 1, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and The Weikel Line Co., Inc., for:

the installation of ornamental street
lighting in Lough Nest from North Washington
Road to its terminus;

under Board of Public Works Street Lighting Resolution No. 162-82, involving a total cost of Three Thousand Six Hundred Fifty-Seven and 50/100 Dollars (\$3,657.50), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according

to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-18-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-42

SPECIAL ORDINANCE NO. S-19-83

AN ORDINANCE approving Resolution No. 368-82, Spy Run-Elizabeth Storm Sewer Repair, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated October 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Earth Construction & Engineering, Inc., for:

the replacement of twelve inch and fifteen inch sewer and catch basins, restoration of asphalt pavement, curbing and sidewalks as outlined in Federal Emergency Management Agency Damage Survey Report No. 044897;

under Board of Public Works Resolution No. 368-82, involving a total cost of Twenty-Five Thousand Twenty-Seven and 50/100 Dollars (\$25,027.50), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-19-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-82-12-43

SPECIAL ORDINANCE NO. S-20-83

AN ORDINANCE approving Water Contract No.
82-04, Repair of St. Joe Tainter Gates, with
Indiana Construction Corporation, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water contract No. 82-04, dated October 27, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Indiana Construction Corporation, for:

the replacement and installation of our axle "I" beams, ten tie rods and one seal on the four Tainter gates at the St. Joe Dam, as outlined in Federal Emergency Management Agency Survey Report No. 041886;

involving a total cost of Twenty-Nine Thousand Nine Hundred and No/100 Dollars (\$29,900.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-11-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20-83 on the 11th day of January, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 14th day of January, 1983, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-14

SPECIAL ORDINANCE NO. S-21-83

AN ORDINANCE approving City Utilities Purchase Orders No. A-24112, A-24113, A-24118, A-24119, A-24120, A-24121, A-24122, A-24123, A-24124, and A-24125 for chemicals used for water purification by the Filtration Plant, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities

- (a) Purchase Order No. A24112 for \$328,350.00, with Huron Lime;
- (b) Purchase Order No. A24113 for \$356,565.00, with Marblehead Lime Co.;
- (c) Purchase Order No. A24118 for \$21,534.00, with Allied Chemical;
- (d) Purchase Order No. A24119 for \$21,534.00, with Herbert-Verkamp, Calvert;
- (e) Purchase Order No. A24120 for \$173,967.00, with Husky Industries;
- (f) Purchase Order No. A24121 for \$79,775.00, with Tennessee Chemical Co.;
- (g) Purchase Order No. A24122 for \$29,000.00, with Herbert-Verkamp, Calvert;
- (h) Purchase Order No. A24123 for \$3,760.00, with Ulrich Chemicals;
- (i) Purchase Order No. A24124 for \$11,660.00, with Jones Chemicals; and

(j) Purchase Order No. A24125 for
\$27,090.00, with Chemtech Industries, Inc.;

for purchase of various chemicals used for water purification by the Filtration Plant, in connection with the Board of Public Works, involving a total cost of One Million Fifty-Three Thousand Three Hundred Twenty-Six and 00/100 Dollars (\$1,053,326.00) as as more particularly set forth in the Purchase Orders, which are on file with the Office of the Board of Public Works and by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-25-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-21-83 on the 25th day of January, 1983.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-19

SPECIAL ORDINANCE NO. S-22-83

AN ORDINANCE approving City Utilities Purchase Order #A-24107 for Copper Wire Assigned to Graybar Electric Co., Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-24107 for Copper Wire assigned to Graybar Electric Co., Inc., in connection with the Board of Public Works, for:

purchase of 35,000 feet of Copper Wire to be used by Street Lighting Warehouse with cable for underground wiring of street lighting, for usage in installation of street lighting;

involving a total cost of Sixteen Thousand Six Hundred Sixty and 00/100 Dollars (\$16,660.00), all as more particularly set forth in the Purchase Order, which is on file with the Office of the Board of Public Works and by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None

Date: 1-25-83
 Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-22-83 on the 25th day of January, 1983.

ATTEST
 Charles W. Westerman
 City Clerk
 (SEAL)
 Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-83-01-01

GENERAL ORDINANCE NO. G-02-83

AN ORDINANCE amending Chapter 17 of the
 Municipal Code of the City of Fort Wayne,
 Indiana of 1974, entitled "Traffic Code"

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following schedules and sections of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby amended as follows:

A. Schedule 1A, Section 21 (B) as referred to "Authorization of Traffic Signals" by deleting thereto the following:

Traffic Signals:

Anthony Boulevard	and	Grier Street
Belmont Street	and	Calhoun Street
Hoagland Avenue	and	Rudisill Boulevard

B. Schedule 3, Section 46 as referred to "One-Way Streets and Alleys", by adding to subparagraph (a) "Streets" thereof the following:

One-Way Street

<u>Street</u>	<u>Direction</u>	<u>From</u>	<u>To</u>
Illinois Road	Westbound	Main Street	Lindenwood Avenue

Through Street

<u>Street</u>	<u>From</u>	<u>To</u>
Freeman Street	Nuttman Avenue	West Jefferson Boulevard, except at Nuttman Avenue, Covington Road, Taylor Street, and West Jefferson Boulevard

C. Schedule 5, Section 49 as referred to "Intersections Where Stop Required", by adding thereto the following:

Stop Intersection		
Belmont Street	-stop-	for Calhoun Street
Delaware Avenue	-stop-	for Forest Park Boulevard
Forest Avenue	-stop-	for Forest Park Boulevard
Grier Street	-stop-	for Anthony Boulevard
Hoagland Avenue	-stop-	for Rudisill Boulevard
Lexington Avenue	-stop-	for Indiana Avenue
Nevada Avenue	-stop-	for Forest Park Boulevard
Ridgemont Drive	-stop-	for Elnora Drive
Ridgemont Drive	-stop-	for Larch Lane
Sandhill Drive	-stop-	for Kyle Road
Vermont	-stop-	for Forest Park Boulevard

D. Schedule 7, Section 90, as referred to "Parking Prohibited at All Times on Certain Streets", by adding thereto the following:

No Parking			
Street	Side	From	To
Broadway	west side	Lavina Street	Washington Blvd.
Dunnwood Drive	south side	Clinton Street	Spy Run Extended
Freeman Street	east side	W. Jefferson Blvd.	Portage Boulevard
River Run Trail	both sides	St. Joe Center Rd.	350' south thereof

No Parking Emergency Vehicles Only			
Street	Side	From	To
Calhoun Street	east side	50' north of Main Street	95' north thereof

E. Schedule 7, Section 90, as referred to "Parking Prohibited at all Times on Certain Streets", by deleting therefrom the following:

No Parking			
Street	Side	From	To
Calhoun Street	east side	50' north of Main Street	95' north thereof
Dunnwood Drive	south side	Clinton Street	300' east thereof

F. Schedule 11, Section 93 (b), as referred to "Parking Time Limited on Certain Streets", 90-Minute Parking 8 A.M. to 6 P.M. by deleting the following:

Street	Side	From	To
Broadway	west side	Lavina Street	Washington Blvd.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-25-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-02-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-01-10 (as amended)

GENERAL ORDINANCE NO. G-03-83

AN ORDINANCE amending the Municipal Code
of the City of Fort Wayne, Indiana of
1974 by adding thereto a Section with
regards to the parking of motor vehicles
during certain hours

WHEREAS, the City of Fort Wayne currently has in effect various ordinances restricting or prohibiting parking on certain streets at certain times; and

WHEREAS, the provisions of these ordinances and applicable Sections of the Municipal Code of the City of Fort Wayne govern parking near places of worship; and

WHEREAS, present prohibitions against parking on streets near places of worship is, in some cases, unnecessary due to lack of vehicular traffic on certain days, and

WHEREAS, the City of Fort Wayne and the Common Council of the City of Fort Wayne desire to limit the applicability of parking restrictions near places of worship on certain days of worship for the reason that such restriction are unnecessary on those days near places of worship.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. For purpose herein the term "places of worship" shall mean churches, sunagogues, temples, and other places commonly and generally used for purposes of worship.

SECTION 2. That the Traffic Engineering Department of the City is presently making a study as to the necessity for parking restrictions on certain days and at certain times near places of worship. This study is being made for the purposes of general regulation of vehicular traffic. It is noted that it is impossible to develop a uniform policy with regards to parking restrictions in that parking needs will vary from day to day and from time to time as will availability of parking on streets near places of worship. Accordingly, representatives from places of worship are requested to contact City Traffic Engineering as to the need for parking on certain days and at certain times in certain locations. Once contact has been made with City Traffic Engineering, a further study shall be made as to the feasibility of limitations of parking restrictions near the place of worship in question on a certain day, at certain times, and on a certain street or streets. If the study made justifies, from a safety and planning standpoint, the limitation of parking restrictions, City Traffic Engineering shall submit a resolution to the Common Council setting out the name of place of worship in question and outlining the exemption from parking restrictions specifying the day of week, hour involved and identification of streets or parts thereof upon which parking is allowed. If the Common Council approves the resolution, City Traffic Engineering shall issue a letter to the place of worship in question outlining the exemption from parking restrictions, specifying the day of the week, hours involved and identification of streets or parts thereof upon which parking is allowed. Letters sent by Traffic Engineering to places of worship for purposes hereunder shall be part of this ordinance, and a copy of same shall be delivered to the clerk's office as well as the Fort Wayne Police Department and any other department of the city charged with the regulation of parking.

SECTION 3. That the provisions of this Ordinance and the rights herein provided shall be subject to any declaration of emergency including, but not limited to, snow emergencies and the like.

SECTION 4. That this Ordinance shall constitute an amendment to existing ordinances to the City of Fort Wayne and any such ordinance in conflict herewith shall be subordinated to the terms and provisions hereof. Furthermore, this ordinance shall be added to Section 17-91 of the Municipal Code of the City of Fort Wayne and cited as same.

SECTION 5. That if any section, clause, sentence, paragraph, part or provision of this Ordinance shall be found invalid or void by a Court of competent jurisdiction, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council of the City of Fort Wayne, Indiana without such invalid section, clause, sentence, paragraph, part or provision, and the remaining parts of this Ordinance shall remain in full force and effect.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, due legal publication and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by *Mio 2 with* and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-07

SPECIAL ORDINANCE NO. S-23-83

AN ORDINANCE approving Street Improvement
Resolution No. 5953-82, Resurfacing in
Second and Furth Councilmanic District,
with Wayne Asphalt & Construction Company,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Wayne Asphalt & Construction Company, for:

the resurfacing and restoring pavement as designate on the following streets:

- (1) Hiawatha Boulevard - from the north pavement line of Engle Road to its northeasterly terminus,
- (2) Meda Pass - from the north pavement line of Engle Road to the south curb line of Ojibway Trail;
- (3) Algonquin Pass - from the northwest curb line of Wawonaissa Trail to the southeast curb line of Hiawatha Boulevard;
- (4) Wendigo Lane - from the northwest curb line of Hiawatha Boulevard to the east curb line of Wenonah Lane;
- (5) Indian Village Boulevard - from the southeast curb line of Wawonaissa Trail to the northwest curb line of Nokomis Road;
- (6) Wenonah Lane - from the north curb line of Engle Road to the south curb line of Ojibway Trail;
- (7) Nokomis Road - from the east curb line of Wawonaissa Trail to the southwest curb line of Opechee Way;
- (8) Huestis Avenue - from the west curb line of Thompson Avenue to its western terminus;
- (9) Brown Street - from the east property line of Frary Avenue to its western terminus
- (10) Eby Avenue - from the west property line of Bevel Avenue;
- (11) Ontario Circle - from the south curb line of Ontario Avenue (as platted west) to Ontario Avenue (as platted east);
- (12) Scott Avenue - from the east curb line of Broadway to the east curb line of THompson Avenue;
- (13) Maple Avenue - from the west curb line of Broadway to the east curb line of Thomprson Avenue;
- (14) Fay Drive - from the west property line of Lot #8 (house #1331) Fay Place Extended to the west one-half of Lot #13 (house #1311) Fay Place Extended;
- (15) State Boulevard - from the east property line of Parnell to the east property line of Woodward Avenue;
- (16) Delaware Avenue - from the east curb line of St. Joe Boulevard to the east property line of Alabama Avenue;
- (17) Kentucky Avenue - from the north curb line of Tennessee Avenue to the south curb line of State Boulevard;
- (18) Forest Avenue - from the east curb line of Kentucky Avenue to the west curb line of Randallia Drive;
- (19) East Drive - from the north curb line of Dodge Avenue to the south curb line of Curdes Avenue;
- (20) Curdes Avenue - from the southeast curb line of Crescent Avenue to the west pavement line of Carew Street;
- (21) Flordia Drive - from the southeast curb line of Crescent Avenue to the north curb line of State Bouelvard;
- (22) Buena Vista - from the north curb line of Dodge Avenue to the southeast curb line of Lawndale Drive;
- (23) Glenwood Avenue - from the east curb line of Rolston Street to the west curb line of Beacon Street;
- (24) Dodge Avenue - from the east pavement line of Kentucky Avenue to the northwest curb line of Crescent Avenue;
- (25) Curdes Avenue - from the west curb line of Santa Rosa Drive to its western terminus,
- (26) Dodge Avenue - from the west pavement line of Santa Rosa Drive to a point 350 feet west thereof;

- (27) Charlotte Avenue - from the west curb line of Santa Rosa Drive to a point 355 feet west thereof;
- (28) Santa Rosa Drive - from the north property line of the first lot north of Lynn Avenue to the south pavement line of Kenwood Avenue;
- (29) Dover Drive - from the east curb line of Sherborne Boulevard to a point 50 feet east of Bosworth Drive; and
- (30) Freeman Street - from the south pavement line of Taylor Street to the north pavement line of Covington Road.

under Board of Works Street Improvement Resolution No. 5953-82, involving a total cost of Five Hundred Eighty-Nine Thousand Five Hundred Eighty-Two and 25/100 Dollars (\$589,582.25), all as more particularly set forth in said Resolution and Contract, which is on file with the Office of the Board of Public Works and is, by reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-23-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-08

SPECIAL ORDINANCE NO. S-24-83

AN ORDINANCE approving Street Improvement Resolution No. 5959-82, Resurfacing & Restoring Pavement, with Wayne Asphalt & Construction Company, Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Wayne Asphalt & Construction Company, Inc., for:

the resurfacing and restoring pavement as designated on the following streets: (1) Calhoun Street - from the south pavement line of Paulding Road to the North pavement line of Tillman Road; (2) North Washington Road - from the south property line of Taylor Street to the North property line of Covington Road; Alternate (3) Fairfield Avenue - from the south curb line of Jefferson Boulevard to the south property line of Lavina Street;

under Board of Works Street Improvement Resolution No. 595982, involving a total cost of One Hundred Seventeen Thousand Nine Hundred Forty-Seven and 85/100 Dollars (\$117,947.85), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is, by reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-24-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-18

SPECIAL ORDINANCE NO. S-25-83

AN ORDINANCE approving Street Improvement Resolution No. 5958-82, Asphalt Resurfacing, with Dailey Asphalt Products Co., Inc., in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated December 8, 1982, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Dailey Products Co., Inc., for:

the asphalt resurfacing as designated on the following streets:

(1) Oxford Street from the west property line of Warsaw Street to the west curb line of Anthony Boulevard; (2) Brackenridge Street - from the east curb line of Lafayette Street to the west curb line of Hanna Street; (3) Dodge Avenue - from the east curb line of Carew Street to the west pavement line of Rolston Street; (4) Lewis Street - from the west curb line of Harrison Street to the east curb line of Ewing Street; (5) Ohio Street - from the south curb line of Maumee Avenue to the north curb line of Lewis Street; (6) Randallia Drive - from the north curb line of Lake Avenue to the south property line of Delaware Avenue; (7) Vance Avenue - from the east pavement line of Reed Road to the east property line of Lot #188 (House #5520), Glenwood Park Extended Addition; (8) Schick Street - from the south curb line of Washington Boulevard to the north curb line of Maumee Avenue; (9) Harrison Street - from the north curb line of Creighton Avenue to the north property line of Williams Street; (10) French Avenue - from the west curb line of Hoagland Avenue to the east curb line of Fairfield Avenue; (11) Violet Court - from the west curb line of Hoagland Avenue to the east curb line of Fairfield; (12) Knightswood Drive - from the south pavement line of Lower Huntington Road to the south property line of Lot #170 (House #7520), Avalon Place Section II; (13) Calhoun Street - from the south property line of Third Street to the south curb line of Fourth Street; and (14) Avalon Drive - from the south pavement line of Lower Huntington Road to the northeast curb line of Breckenwood Drive.

Alternate Streets (1) Rockhill Street - from the south curb line of Berry Street to the north curb line of Washington Boulevard; (2) Breckenwood Drive - from the northwest curb line of Kingsway Drive to the northwest property line of Capri Drive; (3) Glencairn Drive - From the south pavement line of Highwood Drive to a point 100 feet southeast of Thames Drive; and (4) Pacific Drive - from the northwest curb line of Capri Drive to the west property line of Lot #123 (House #1517), Avalon Place Addition;

under Board of Works Street Improvement Resolution No. 595882, involving a total cost of Three Hundred Forty-Seven Thousand Three Hundred Forty-Five and 33/100 Dollars (\$347,345.33), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and is, be reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-25-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-09

SPECIAL ORDINANCE NO. S-26-83

AN ORDINANCE approving Change Order
No. 4 and Final Resolution 350-80,
Project No. C-180599-09, "Elmcrest
Addition", in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, Final Resolution No. 350-80, Project No. C-180599-09, "Elmcrest Addition", with Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

close out to adjust the estimated quantities in the contract unit price to agree with actual quantities installed in this project by the contractor;

involving a net decrease in the amount of Two Thousand Five Hundred Fifty-Five and 27/100 Dollars (\$2,555.27), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, approved, and confirmed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eibart, GaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-26-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-11

SPECIAL ORDINANCE NO. S-27-83

AN ORDINANCE approving Change Order
No. 7 and Final Resolution No. 345-80,
Project No. C-180599-09, "Country Club-
Langford Oaks", in connection with the
Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 7, Final Resolution No. 345-80, Project No. C180599-09, "Country Club-Langford Oaks", with Richard Ness Excavating & Trucking Co., Inc., in connection with the Board of Public Works for:

close out to adjust the estimated quantities in the contract unit price to agree with actual quantities installed in this project by the contractor;

involving a net increase in the amount of Seven Thousand Eight Hundred Thirty-Seven and 60/100 Dollars (\$7,837.60), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Tal'arico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S- 27-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11: 30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4: 00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-12

SPECIAL ORDINANCE NO. S-28-83

AN ORDINANCE approving Change Order
No. 4 and Final Resolution No. 347-80,
Project No. C-180599-09, "Poplar Ridge"
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, Final Resolution No. 347-80, Project No. C180599-09, "Poplar Ridge". with Ness Excavating & Trucking, Inc., in connection with the Board of Public Works, for:

close out to adjust the estimated quantities in the contract unit price to agree with actual quantities installed in this project by the contractor;

involving a net increase in the amount of Eight Thousand Two Hundred Fifty-Four and 70/100 Dollars (\$8,254.70), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-28-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-13

SPECIAL ORDINANCE NO. S-29-83

AN ORDINANCE approving Agreement for
Sanitary Sewer Extension between North
American Properties, Inc., and the City
of Fort Wayne,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Agreement For Sanitary Sewer Extension dated December 29, 1982, between North American Properties, Inc. and the City of Fort Wayne, by and through its Mayor and the Board of Public Works, for:

construction of an interconnect sanitary sewer described as follows: Beginning at a proposed sanitary sewer manhole located 60 \pm LF south of and 10 \pm LF east of the Northwest corner of Lot # 14 of Elkridge Addition; thence, Northwesterly 70 \pm LF to a proposed manhole located 25 \pm LF west of and 10 \pm LF north of the Northwest corner of said Lot #14; thence due west 110 \pm LF to a proposed manhole; thence, North 130 \pm LF west of and parallel to the west line of Elkridge Addition 517 \pm LF terminating at an existing manhole. Said sewer shall be 18" in diameter;

involving a total cost of the City of Fort Wayne of One Thousand Nine Hundred Seventy and 00/100 Dollars (\$1,970.00), chargeable to W.O. 79022 as non-grant fundable for the oversizing, all as more particularly set forth in said Agreement which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two copies of said Agreement are on file with the Office the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilmember

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-29-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-15

SPECIAL ORDINANCE NO. S-30-83

AN ORDINANCE approving Change Order No. 1 and Final Resolution No. 355-81, "Outfall Structure Repair", in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Final Resolution No. 355-81, Outfall Structure Repair, with T-G Excavating, Inc., in connection with the Board of Public Works, for:

close out to adjust the estimated quantities in the contract price to agree with actual quantities installed in this project by the contractor;

involving a net increase in the amount of Five Thousand Two Hundred Fifteen and 89/100 Dollars (\$5,215.89), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilmember

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-30-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented before me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-16

SPECIAL ORDINANCE NO. S-31-83

AN ORDINANCE approving Change Order No. 1 and Final Resolution No. 882-80, "Dale Drive Storm Sewer", in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Final Resolution No. 882-80, Dale Drive Storm Sewer, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for :

close out to adjust the estimated quantities in the contract price to agree with actual quantities installed in this project by the contractor;

involving a net increase in the amount of Six Thousand Three Hundred Twelve and 10/100 Dollars (\$6,312.10), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-31-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-17

SPECIAL ORDINANCE NO. S-32-83

AN ORDINANCE approving Agreement between City of Fort Wayne and Patrick J. Till and Robert A. and Deborah D. Kinney for 205 West Wallen Road Sanitary Sewer, a local sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Agreement for Sewer Extension dated December 13, 1982, between Patrick J. Till, Robert A. and Deborah D. Kinney and the City of Fort Wayne, by and through its Mayor and the Board of Public Works, for:

the construction of a local sanitary sewer beginning at an existing manhole approximately 630 L.F. + South of the Northeast corner, NW1/4, Ne1/4, Section 11, Township 31 North, Range 12 East; thence Northwesterly 125 L.F. + to a manhole located 15 L.F. + West of the East line of the NW1/4, NE1/4 said Section 11, thence North, parallel to said line, 290 L. F. + to a manhole and terminating. Said sanitary sewer to be 8" in diameter, pursuant to plans, specifications and profiles in the office of the Chief Engineer of the Water Pollution Control Engineering Department of the City of Fort Wayne and known as "Sanitary Sewer Extension" to serve 119 W. Wallen Road;

involving a total cost of Five Thousand Five Hundred Nineteen and 00/100 Dollars (\$5,519.00), which entire cost is to be paid by owners, all as more particularly set forth in said Agreement, which is on file with the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed, and approved. Two copies of said Agreement are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilmember

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-32-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-01-20 (as amended)

RESOLUTION NO. R-02-83

A resolution of the Common Council of the City of Fort Wayne, Indiana concurring in the identification and establishment of defined objectives and goals of this City Government for the year 1983.

WHEREAS, the Administration and the Council agree that this year will be a critical one for this community, in that we are confronted with ever increasing issues and problems that effect this City and its citizens;

WHEREAS, as never before, there is a need for the proper and expeditious formation of programs needed to combat the problems of this community;

WHEREAS, so that specific programs may be created, it is necessary, at this time, to identify and establish general goals and priorities of the City government;

WHEREAS, the severe and complex nature of the problems and issues that confront us requires coordination and cooperation between the Administration and Council.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council does hereby concur in the establishment of the following goals for the year 1983, which goals correctly identify the major problems and issues of this community:

A. Economic Development.

Goal 1: Creation of new jobs through the retention and expansion of existing business;

Goal 2: Creation of new jobs by the attraction of new business.

Goal 3: Continued increase in the City's tax base.

Goal 4: Reduction of local government red tape through comprehensive review of City regulations.

B. Physical Structure.

Goal 1: Improvement of the City's infrastructure.

Goal 2: Improvements of neighborhoods and housing

Goal 3: Continued development of downtown Fort Wayne.

Goal 4: Implementation of the 18 month flood work program.

C. Social and Public Service

Goal 1: Assistance to the unemployed with job training and survival.

Goal 2: Opposition to unnecessary utility rate increases.

Goal 3: Improvement of Police and Crime prevention services.

Goal 4: Improvemetnt of race relations and opportunities for minorities.

Goal 5: The saving of more lives through the improvement of safety services.

Goal 6: The provision animal control.

Goal 7: The maintenance and expansion of recreational and cultural activities.

D. City Management

Goal 1: Continue innovative management to keep growth in City operating costs below 5%.

Goal 2: Continuance of improved labor relations with City labor unions and employee groups.

E. INCREASE OF RESPONSIBILITY AND AUTHORITY
TO NEIGHBORHOODS

Goal 1: Appointments to Boards and Commissions

Goal 2: Appointment to community studies and surveys

Goal 3: Participation in seminars, workshops and presentations.

SECTION 11. That the attached hereto as aexhibit A is a more complete outline, with decision, of the goals herein stated and same as made a part herto:

SECTION 111. The Common Council hereby resolves to work with the Administration to implement the necessary programs so that the goals herein stated may be reached.

SECTION IV. This resolution shall be effective upon passage and approval and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Stier, Talarico

Nays: Two

Schmidt, Schomburg

Date: 1-25-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-02-83 on the 25th day of January, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of January, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 26th day of January, 1983, at the hour of 4:00 o'clock P.M., E.S.T.
Win Moses, Jr.
Mayor

BILL NO. S-83-01-21

SPECIAL ORDINANCE NO. S- 33-83

ORDINANCE AUTHORIZING THE CITY OF FORT
WAYNE TO ISSUE ITS CITY OF FORT WAYNE,
INDIANA ECONOMIC DEVELOPMENT FIRST
MORTGAGE REVENUE BONDS, SERIES 1983
(MULLINEX PACKAGES, INC. PROJECT)
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana is a "unit" as such is defined by Indiana Law and is authorized by I.C. 36-7-12-1 et seq (the Act) and has established a Department of Economic Development known as the Fort Wayne Economic Development Commission, and further is authorized by the Act to issue bonds for the purposes described in the Act; and

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the Mullinex Packages, Inc., Project regarding the financing of proposed economic development facilities for Mullinex Packages, Inc. and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on January 20, 1983, and also adopted a Resolution on January 20, 1983, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for Mullinex Packages, Inc. complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creation or retention of a significant number of jobs;
- d. The project being financed would not be undertaken without tax exempt financing; and

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final form of and has transmitted for approval by the Common Council the Second Amendment to and Supplement of Lease Agreement, and Second Amendment to and Supplement of Mortgage and Indenture of Trust, Note, and form of Bond.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Second Amendment to and Supplement of Lease Agreement, Second Amendment to and Supplement of Mortgage and Indenture of Trust, Note, and Bond approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, to be used for the acquisition and construction of the economic development facilities constituting the project and the assigning of a security interest in the Second Amendment to and Supplement of Lease Agreement, and the Note and all proceeds derived therefrom to the bondholder complies with the purposes and provisions of I.C. 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens

SECTION 2. The Common Council further finds that (a) the financing will not create an unjustified competitive disadvantage to other companies within the area; (b) the financing will stimulate the local economy; (c) the financing will result in the creation or retention of a significant number of jobs, and (d) the project would not be undertaken without tax exempt financing.

SECTION 3. The substantially final forms of the Second Amendment to and Supplement of Lease Agreement, Second Amendment to and Supplement of Mortgage and Indenture of Trust, Note, and Bond approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are on file in the Office of the Clerk for public inspection.

SECTION 4. The City of Fort Wayne, Indiana shall issue its City of Fort Wayne, Indiana Economic Development First Mortgage Revenue Bonds, Series 1983 (Mullinex Packages, Inc. Project) in the total principal amount of not to exceed \$900,000.00 maturing July 1, 1983, but subject to mandatory or optional redemption as set forth in the Bond and the Second Amendment to and Supplement of Mortgage and Indenture

of Trust, and the initial Mortgage and Indenture of Trust and First Amendment to and Supplement of Mortgage and Indenture of Trust, for the purpose of procuring funds to pay the cost of acquisition and construction of the economic development facilities as more particularly set out in the Second Amendment to and Supplement of Lease Agreement and Second Amendment to and Supplement of Mortgage and Indenture of Trust incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from payments made by Mullinex Packages, Inc. under the Second Amendment to and Supplement of Lease Agreement, the initial Lease Agreement and the First Amendment to and Supplement of Lease Agreement and Note as provided in the above-described documents. The Bond is to be issued to Lincoln National Bank and Trust Company of Fort Wayne, and may be assigned and transferred pursuant to the Bond, the original Mortgage and Indenture of Trust, First Amendment to and Supplement of Mortgage and Indenture of Trust, and Second Amendment to and Supplement of Mortgage and Indenture of Trust; payment of principal and interest is payable in lawful money of the United States of America; the Bond is subject to optional and mandatory redemption as provided in the Bond and the Mortgage and Indenture of Trust, First Amendment to and Supplement of Mortgage and Indenture of Trust, and Second Amendment to and Supplement of Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the Bond payable in any manner from revenues raised by taxation.

SECTION 5. The Mayor and Clerk are authorized and directed to sell the Bond to the purchaser thereof at a rate of interest of 70% of the Prime Commercial Lending Rate announced by Lincoln National Bank and Trust Company of Fort Wayne as such rate changes from day to day.

SECTION 6. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including the Bond authorized herein and approve such other changes in the Financing Agreement as they may deem necessary or advisable. The signatures of the Mayor and Clerk on the Bond shall be by manual signature. The Clerk is authorized to arrange for delivery of the Bond to the bondholder, payment for the Bonds will be made to the Lincoln National Bank and Trust Company of Fort Wayne, as Trustee and after such payment the Bonds shall be delivered to the bondholders. The Mayor and Clerk shall execute and the Clerk shall deliver the Bonds to the bondholders within ninety days of the adoption of this Ordinance. The Bond shall be initially dated as of the date of issuance and delivery.

SECTION 7. The provisions of this Ordinance shall constitute a contract binding between the City of Fort Wayne and the holder of the City of Fort Wayne, Indiana Economic Development First Mortgage Revenue Bond, Series 1983 (Mullinex Packages, Inc. Project) and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
Schmidt

Date: 2-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-33-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-22

SPECIAL ORDINANCE NO. S-34-83

AN ORDINANCE approving City Utilities
Purchase Order #A-24219 with Underground
Pipe & Valve for the Department of
Water Maintenance & Service

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A24219, between the City of Fort Wayne, by and through City Utilities, and the Board of Public Works and Underground Pipe & Valve, respectfully, for:

2,000' of 8" Ductile Iron Pipe for the
Water Maintenance & Service Department;

involving a total cost of Eleven Thousand Six Hundred Twenty and No/100 Dollars (\$11,620.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
Schmidt

Date: 2-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-34-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-01-27

SPECIAL ORDINANCE NO. S-35-83

AN ORDINANCE approving the awarding
of bids with respect to the purchase
of vehicles for the Police and Fire
Departments of the City of Fort Wayne,
Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document, reference number 1065 for:

the purchase of four (4) used vehicles from Allen
County Motors, Inc.,

at a cost of Twenty Two Thousand Seventy-Three and No/100 Dollars (\$22,073.00), said vehicles to be
used by the Fort Wayne Police Department, is hereby in all things ratified, confirmed and approved.
A copy of the bid-award letter to Allen County Motors, Inc. is attached hereto as a part hereunder, as
Exhibit "A".

SECTION 2. That a certain bid document, reference number 1065 for:

the purchase of one (1) used vehicle
from Hefner Chevrolet, Inc.,

at a cost of Four Thousand Six Hundred and No/100 Dollars (\$4,600.00), said vehicle to be used by the
Fort Wayne Police Department, is hereby in all things ratified, confirmed and approved. A copy of hthe
bid-award letter to Hefner Chevrolet, Inc. is attached hereto as a part hereunder, as Exhibit "B".

SECTION 3. That a certain bid document, reference number 1065 for:

the purchase of thirty-one (31) vehicles
from Glenbrook Dodge, Inc.,

at a cost of Two Hundred Fifty Thousand Six Hundred Three and No/100 Dollars (\$250,603.00), twenty-
seven (27) vehicles to be used by the Fort Wayne Police Department and four (4) to be used by the Fort
Wayne Fire Department, is hereby in all things ratified, confirmed and approved. A copy of the bid-award
letter to Glen rook Dodge, Inc. is attached hereto as a part hereunder, as Exhibit "C".

SECTION 4. That the financing of the acquisitions herein referred to, through Marquette
Lease Services, Inc., is hereby in all things ratified, confirmed and approved. A copy of the financing-
award letter is attached hereto as a part hereunder, as Exhibit "D".

SECTION 5. Attached herto as a part hereof is Exhibit "E" which is the bid documents for
the purchase herein contemplated.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted,
placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
Schmidt

Date: 2-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-35-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-10-19

DECLARATORY RESOLUTION NO. R-03-83

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under I.C.
6-1.1-12.1, said Area more commonly
known as 3602 Northrup Avenue

WHEREAS, Petitioner has duly filed its petition dated October 19, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.12.1, to-wit:

Lot #30, except the West 10 feet, Lot #31, except the West 10 feet, Lot #32, except the West 10 feet, together with Lots #34, #35, #36, #37, #38, #50, and Lot #51, in Figel's Second Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, together with the North half of the vacated street lying South and adjacent to Lots #30, #38, #50 and #51, in Figel's Second Addition, together with the West half of the vacated street lying East and adjacent to Lots #30, #31, and #32 in Figel's Second Addition, together with the East half of the vacated street lying West and adjacent to Lots #34, #35, #36, #37 and #38 in Figel's Second Addition;

and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property hereinabove described (more commonly known as 3602 Northrup Avenue) is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1.

SECTION 2. That the foregoing is subject to:

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
 Nays: None
 Absent: One
 -Schmidt

Date: 2-8-83

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-03-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-83-01-26

GENERAL ORDINANCE NO. G-04-83

AN ORDINANCE amending General Ordinance
 No. G-14-81 dealing with animals

Section 1. That portion of Sec. 6-1 of General Ordinance G-14-81 entitled Restraint is hereby repealed in its entirety and the following is substituted therefor:

RESTRAINT: Any animal secured by leash or lead, or under the physical control of the animal's owner or attending party, or within the real property limits of its owner.

Section 2. The following amendments are also made to said General Ordinance G14-81:

Sec. 6-4. (1) is repealed in its entirety and the following is substituted therefor:

Sec. 6-4 (1): No person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements.

Sec. 6-4. (6) is repealed in its entirety and the following is substituted therefor:

Sec. 6-4. (6): Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from the property of another, excepting a blind person working a guide dog.

Sec. 6-4. (26) is repealed in its entirety and the following is substituted therefor;

NoisyDogs:

Sec. 6-4. (26) No person shall allow the continuous barking, yelping, whining or howling of a dog. The animal control officer may take steps to immediately correct the situation and

cause the noise to be abated, either through issuance of a citation, or impounding the animal if no owner or agent can be found at the time of the disturbance.

Section 3. In all respects except as herein repealed and amended said General Ordinance No. G-14-81 shall be in full force and effect.

Section 4. SEVERABILITY

(1) If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 5. EFFECTIVE DATES OF THIS ORDINANCE

(1) This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 2-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R_83-01-23

RESOLUTION NO. R-04-83

AN AFFIRMATIVE MARKETING RESOLUTION
of the Common Council of the City of
Fort Wayne, Indiana, with respect to
Fair and Open Housing Efforts

WHEREAS, it is the declared policy of the City of Fort Wayne to promote and maintain within the territorial jurisdiction of the City and promote everywhere a housing market which is open to all persons seeking rental and owned housing throughout the community without regard to race, color, religion, sex, national origin, or handicap; and

WHEREAS, It has been discovered and determined that people of different race, color, religion, sex, national origin, and handicap living in peace and harmony is beneficial to the community; while the exclusion of persons according to race, color, religion, sex, national origin, or handicap, by total community or by neighborhood, would be a detriment deserving the full legal and programmatic opposition of the City of Fort Wayne; and

WHEREAS, It is the policy of the City of Fort Wayne that efforts to establish and maintain an open housing market require more than the enforcement of prohibitive Federal, State, and local laws but shall in no way promote or sanction any unlawful discrimination in the rental or sale of property against

any person because of race, color, religion, sex, national origin, or handicap of said person, nor the application of any goals thereto; and

WHEREAS, the national, regional, and local dual housing markets -one for whites and another for non-whites, separate and unequal - has an adverse effect on the creation and maintenance of an open housing market and makes affirmative marketing for such an open housing market necessary if the welfare of the citizens of Fort Wayne is to be enhanced; and

WHEREAS, affirmative marketing is defined as a special, supplemental outreach program which involves the dissemination of thorough and equal information about housing opportunities which within the local market is routinely not provided to or not requested by certain prospective homeowners or renters because of race, color religion, sex, national origin, or handicap, affirmative marketing does not deny access to requested housing options or information or alternatives, rather it compensates for existing inequalities as pertaining to the dual housing market by emphasizing housing options which are not ordinarily and favorable disclosed to individuals of one or another race, color, religion, sex, national origin, or handicap, thereby enhancing the progress toward parity and the attractiveness of all housing everywhere in the area market and the avoidance of identifiable and isolated residential patterns;

NOW THEREFORE BY IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 2. That such real estate involved persons or firms are encouraged to formulate their own affirmative marketing plans, with technical assistance available from the City of Fort Wayne upon request, specifying means for the promotion and maintenance of an open housing market, one wherein persons of all races, color, religion, sex, national origin, and handicap are equally represented in the market for housing and that their numbers are generally reflective of the proportions of such groups within the community.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Abstained: One
Burns

Date: 2-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-83 on the 8th day of February, 1983

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of February, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 9th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-01-04

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Zoning Map No. M-23, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
Absent: One Schmidt

Date: 2-8-83

Charles W. Westerman
City Clerk

BILL NO. Z-83-01-05

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That the area described as follows is hereby designated a B3B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 64 through 70 in O'Rourke and Gilmartin's
Subdivision in the City of Fort Wayne in Allen
County, IN

and the symbols of the City of Fort Wayne, Zoning Map Q-7, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico
Absent: One Schmidt

Date: 2-8-83

Charles W. Westerman
City Clerk

BILL NO. S-83-02-02

SPECIAL ORDINANCE NO. S-36-83

AN ORDINANCE approving an amendment to
a contract for engineering services with
the Board of Aviation Commissioners

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That an amendment entitled Appendix B dated January 19, 1983, to an engineering contract dated October 21, 1982, between the City of Fort Wayne by and through its Board of Aviation Commissioners and Richard B. Wetzel, d/b/a Wetzel Engineers, consulting engineer, for additional engineering services relative to the extending of Taxiway "M" and the relocation of Indianapolis Road involving a total cost of \$22,100.00, all as more particularly set forth in said Appendix B, which is on file with the office of the Board of Aviation Commissioners and is by reference incorporated herein, made a part hereof, is in all things hereby ratified, confirmed and approved. Two copies of said contract are on file with the office of the City Clerk and are made available for public inspection according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-36-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-03

SPECIAL ORDINANCE NO. S-37-83

AN ORDINANCE approving Civil City
Purchase Orders No. A-22264 and
A-22510 with International Salt Co.
and Domtar Industries, Inc., for the
Street Department and the Board of Aviation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders No. A-22264 and A-22510, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchases and International Salt Co. and Domtar Industries, Inc., respectfully, for:

the awarding of bid with respect to the purchase of Bulk Rock Salt used by the Street Department at a cost of Seventy-Five Thousand and No/100 Dollars (\$75,000.00);

the awarding of bid with respect to the purchase of Southern White Rock Salt used by the Board of Aviation at a cost of Thirteen Thousand Eight Hundred and No/100 Dollars (\$13,800.00);

involving a total cost of Eighty-Eight Thousand Eight Hundred and No/100 Dollars (\$88,800.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-37-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-04

SPECIAL ORDINANCE NO. S-38-83

AN ORDINANCE approving Civil City Purchase Orders No. A-22702, A-22703, A-22704, A-22705 and A-22706 with Leo Builders, Aero Oil Co., Smith Petroleum, Inland and Linder Oil Co., for various departments within the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Civil City Purchase Orders No. A-22702, A-22703, A-22704, A-22705 and A-22706, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchases and Leo Builders, Aero Oil Co., Smith Petroleum, Inland and Linder Oil Co., respectfully for:

the awarding of bids with respect to the purchase of Grease and Oil for various departments within the City;

all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scurggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Brasdbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-38-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-05

SPECIAL ORDINANCE NO. S-39-83

AN ORDINANCE approving Civil City Purchase Orders No. A-22710, A-22711, A-22712, A-22713, A-22714, A-22715, A-22716, A-22717 and A-22718 with Allen County Aggregate, Phoenix Trucking Inc., Paul Brudi Stone & Gravel, Klink Trucking, Inc., W & W Gravel Co., Stone Street Gravel, Canyon Sand & Gravel, Inc., Old Indian Materials and May Stone & Sand, Inc., for various departments within the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders No. A-22710, A-22711, A-22712, A-22713, A-22714, A-22715, A-22716, A-22717 and A-22718, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing Allen County Aggregate, Phoenix Trucking Inc., Paul Burdi Stone & Gravel, Klink Trucking, Inc., W & W Gravel Co., Stone Street Gravel, Canyon Sand & Gravel, Inc., Old Indian Materials and May Stone & Sand, Inc., respectfully for.

the awarding of bids with respect to the purchase of Aggregates for various departments within the City;

all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bracbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-39-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-06

SPECIAL ORDINANCE NO. S-40-83

AN ORDINANCE approving City
Utilities Purchase Order No.
A-20422 with Allen County
Motors for the Street
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-20422, between the City of Fort Wayne, by and through City Utilities, and the Board of Public Works and Allen County Motors, respectfully for:

the purchase of two 92) single axle
dump trucks for the Street Department;

involving a total cost of Fifty-Four Thousand Two Hundred Seventy-Six and 64/100 Dollars (\$54,276.64), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. Prior Approval was given by Council on October 11, 1982.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-40-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-07

SPECIAL ORDINANCE NO. S-41-83

AN ORDINANCE approving City
Utilities Blanket Purchase Order
No. A-24298 with Construction
Products Corporation for Water
Pollution Control Maintenance
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Blanket Purchase Order No. A-24298, between the City of Fort Wayne, by and through City Utilities, and the Board of Public Works and Construction Products Corporation, respectfully for:

the purchase of one hundred (100) catch
basins for Pollution Control Maintenance
Department;

involving a total cost of Thirty Thousand and No/100 Dollars (\$30,000.00), all as more particularly set forth in said Blanket Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-41-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-08

SPECIAL ORDINANCE NO. S-42-83

AN ORDINANCE approving City
Utilities Blanket Purchase Order
No. A-23906 with Construction
Products Corporation for Water
Pollution Control Maintenance
Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Blanket Purchase Order No. A-23906, between the City of Fort Wayne, by and through City Utilities, and the Board of Public Works and Construction Products Corporation, respectfully for:

the purchase of sixty (60) catch basins
for Pollution Control Maintenance
Department;

involving a total cost of Fifteen Thousand Three Hundred and No/100 Dollars (\$15,300.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2 That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Scruggs and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-42-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-01

RESOLUTION NO. R-05-83

A RESOLUTION FINDING, DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
AUTHORIZING THE ISSUANCE AND SALE OF
\$20,000,000.00 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA, FOR THE
PURPOSE OF INDUCING THE APPLICANT, CONVEN
LTD, AN INDIANA LIMITED PARTNERSHIP TO PROCEED
WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, ConVen LTD, an Indiana Limited Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be construction of Fort Wayne Civic Center and other related public spaces including exhibition hall, ballroom, meeting rooms, administrative support space, circulation and public areas, kitchen, storage and other back-of-the-house areas, dining rooms and lounges to be located on the wester 2/3 of the block bounded by Jefferson, Calhoun, Washington, and Harrison Streets in Fort Wayne, Indiana, including cost of issuance, for use as a Civic Center to be leased to the Fort Wayne and Allen County Convention and Tourism Authority with some space leased to Fort Wayne Center Associates for use by the Convention Hotel (the "Project"); and

WHEREAS, the diversification of industry and an increase of approximately 15 jobs to be achieved by the acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$20,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purpose will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Bradbury, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: One
Burns

Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-05-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-10

RESOLUTION NO. R-06-83

A RESOLUTION authorizing the submission of a final statement of community development objectives including the projected use of funds and required certifications to the United States Department of Housing Urban Development

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present with the community and the prevention of its further spread, and

WHEREAS, under the provision of the Housing and Community Development Act of 1980, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the city's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and by the Department of Community Development and Planning staff to properly complete the attached entitlement submission for 1983 (ninth year) Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the attached budget, made a part hereof, which includes Two Million Eight

Hundred Ninety-Two Thousand and No/100 Dollars (\$2,892,000.00) in 1983 (ninth year) entitlement funds and the accompanying certifications are hereby approved in all respects and the Mayor is hereby authorized to forward same to the United States Department of Housing and Urban Development so that the City may receive its 1983 Community Development Block Grant Entitlement.

SECTION 2. That Mayor Winfield C. Moses, Jr., in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

SECTION 3. That the Common Council, by its approval hereof, hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

SECTION 4. That this Resolution shall be effective upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-06-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-15

SPECIAL ORDINANCE NO. S-43-83

AN ORDINANCE approving Change Order
No. 10 and FINAL, Resolution No.
310-80 Phase I, St. Joe Interconnect,
St. Joe Study Area C-180599-06, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 10 and FINAL, Resolution No. 31080, Phase I, St. Joe Interconnect, St. Joe Study Area C-180599-06, with Rocco Ferrera & Co., Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the
estimated quantities in the contract
unit price to agree with actual quan
tities installed under this project;

involving a net increase in the amount of Nine Hundred Seventy-Five and 04/100 Dollars (\$975.04), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None
Absent: One
GiaQuinta

Date: 2-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-43-83 on the 22nd day of February, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of February, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-28

SPECIAL ORDINANCE NO. S-44-83

AN ORDINANCE approving Civil
City Purchase Order #A-23061
with James F. Ries/National
Sweep-All, Inc. a Joint Venture
for the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-23061, between the City of Fort Wayne, by and through Civil City, and the Department of Purchasing and James F. Ries/National Sweep-All, Inc. a Joint Venture, respectfully for:

the award of a bid with respect to
Street Sweeping for the Board of
Public Works for the City;

involving an approximate expenditure of One Hundred Eighty-Seven Thousand Six Hundred Ninety-One and Fifty/100 Dollars (\$187,691.50) all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That the next proposed Contract between the City and James F. Ries/National

Sweep-All, Inc. a Joint Venture, for said Street Sweeping Services, which is made a part hereof, is hereby ratified, confirmed and approved in all respects. Furthermore, the appropriate Officers of the City, as referenced in said Contract, are hereby empowered to execute said Contract. Two copies of said Contract are on file with the City Clerk's Office and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-44-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-29

SPECIAL ORDINANCE NO. S-45-83

AN ORDINANCE approving City
Utilities Purchase Order No.
A-24337 with Graybar Electric
Company, Inc. for the Street
Lighting Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities purchase Order No. A-24337, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Graybar Electric Company, Inc., respectfully, for:

the awarding of a bid with respect to
the purchase of Wire for the Street
Lighting Department;

involving a total cost of Eight Thousand Eight Hundred Fourteen and Ninety-Two/100 Dollars (\$8,814.92), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-45-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-35

SPECIAL ORDINANCE NO. S-46-83

AN ORDINANCE approving City
Utilities Purchase Order No.
A-23621 with Kennedy Valve for
the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-24621, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchases and Kennedy Valve, respectfully, for:

the awarding of a bid with respect to the purchase of Fire Hydrants for the Water Maintenance & Service Department;

involving an approximate cost of Forty-Five Thousand Nine Hundred Fifty and No/100 Dollars (\$45,950.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as

Special Ordinance No. S-46-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

1 BILL NO. S-83-02-36
2
3 SPECIAL ORDINANCE NO. S-47-83
4 AMENDED
5 ORDINANCE AUTHORIZING THE CITY OF
6 FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA
7 FLOATING RATE MONTHLY DEMAND REVENUE BONDS
8 (THE FORT WAYNE CIVIC CENTER PROJECT) 1983 SERIES
9 AND APPROVING OTHER ACTIONS IN RESPECT THERETO
10 WHEREAS, the City of Fort Wayne, Indiana is a "unit" as
11 such is defined by Indiana Law and is authorized by I.C.
12 36-7-12-1 et seq (the Act) and has established a Department of
13 Economic Development known as the Fort Wayne Economic
14 Development Commission, and further is authorized by the Act to
15 issue bonds for the purposes described in the Act; and
16 WHEREAS, the Fort Wayne Economic Development Commission
17 has rendered its project report for the ConVen, Ltd. Project
18 regarding the financing of proposed economic development facili-
19 ties for ConVen, Ltd. and the Fort Wayne Plan Commission has com-
20 mented favorably thereon; and
21 WHEREAS, the Fort Wayne Economic Development Commission
22 conducted a public hearing on February 22, 1983, and also adopted
23 a Resolution on February 22, 1983, which Resolution has been
24 transmitted to this Common Council, finding that the financing
25 of certain economic development facilities for ConVen, Ltd.
26 complies with the purposes and provisions of the Act and that such
27 financing will be of benefit to the health and welfare of the City
28 of Fort Wayne and its citizens, and further finding as follows:
29 a. The financing will not create an unjustified com-
30 petitive disadvantage with other companies within the area;
31 b. The financing will stimulate the local economy;
32 c. The financing will result in creation or retention of
a significant number of jobs;
d. The project being financed would not be undertaken
without tax exempt financing; and

1 WHEREAS, the Fort Wayne Economic Development Commission
2 has approved and recommended the adoption of this form of
3 Ordinance by this Common Council and has approved the substan-
4 tially final form of and has transmitted for approval by the
5 Common Council the Loan Agreement, Bond Purchase Agreement,
6 Indenture of Trust, and form of Bonds.

7 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
8 CITY OF FORT WAYNE, INDIANA THAT:

9 SECTION 1. It is hereby found that the financing of the
10 economic development facilities referred to in the Loan
11 Agreement, Bond Purchase Agreement, Indenture of Trust, and Bonds
12 approved by the Fort Wayne Economic Development Commission and
13 presented to the Common Council, the issuance and sale of the
14 revenue bonds, to be used for the acquisition and construction of
15 the economic development facilities constituting the project and
16 the assigning of a security interest in the Loan Agreement and
17 all proceeds derived from the Note to the Trustee complies with
18 the purposes and provisions of I.C. 36-7-12 and will be of bene-
19 fit to the health and welfare of the City of Fort Wayne and its
20 citizens.

21 SECTION 2. The Common Council further finds that (a) the
22 financing will not create an unjustified competitive disadvan-
23 tage to other companies within the area; (b) the financing will
24 stimulate the local economy; (c) the financing will result in
25 the creation or retention of a significant number of jobs; and
26 (d) the project would not be undertaken without tax exempt
27 financing.

28 SECTION 3. The substantially final forms of the Loan
29 Agreement, Bond Purchase Agreement, Indenture of Trust, and
30 Bonds, approved by the Fort Wayne Economic Development Commission
31 are hereby approved and all such documents (herein collectively
32 referred to as the "Financing Agreement" referred to in I.C.

1 36-7-12), are hereby approved, and all such documents shall be
2 incorporated herein by reference and shall be inserted in the
3 minutes of the Common Council and kept on file by the Clerk. In
4 accordance with provisions of I.C. 36-1-5-4 two (2) copies of all
5 such documents are on file in the office of the Clerk for public
6 inspection.

7 SECTION 4. The City of Fort Wayne, Indiana shall issue its
8 City of Fort Wayne, Indiana Floating Rate Monthly Demand Revenue
9 Bonds, (The Fort Wayne Civic Center, Project) 1983 Series, in the
10 total principal amount of not to exceed \$16,000,000.00, maturing
11 not later than March 1, 2013, but subject to mandatory or optional
12 redemption as set forth in the Bonds, Indenture of Trust and Bond
13 Purchase Agreement and also subject to mandatory repurchase on
14 the demand of the holder thereof as set forth in the Bonds,
15 Indenture of Trust, and Bond Purchase Agreement, for the purpose
16 of procuring funds to pay the cost of acquisition and construc-
17 tion of the economic development facilities as more particularly
18 set out in the Loan Agreement, Indenture of Trust, and Bond
19 Purchase Agreement incorporated herein by reference, which Bonds
20 will be payable as to principal, premium, if any, and interest
21 from payments made by ConVen, Ltd. under the Loan Agreement as
22 provided in the above-described documents. The economic develop-
23 ment facility will be leased to the Fort Wayne and Allen County
24 Convention and Tourism Authority. The Bonds will be sold to E.
25 F. Hutton & Company, Inc. as Underwriter, New York, New York,
26 and may be assigned and transferred pursuant to the Bond Purchase
27 Agreement, Bonds, and Indenture of Trust; payment of principal
28 and interest is payable in lawful money of the United States of
29 America to the Trustee. The Bonds shall never constitute a
30 general obligation of, an indebtedness of, or a charge against
31 the general credit of the City of Fort Wayne, nor are the Bonds
32 payable in any manner from revenues raised by the taxing power of

the City of Fort Wayne.

SECTION 5. The Mayor and Clerk are authorized and directed to sell the Bonds to the purchaser's thereof at a rate of interest as follows:

Interest on the Bonds will be paid on April 1, 1983, and on the first Business Day (as hereinafter defined) of each calendar month thereafter (an "Interest Payment Date") and will be computed on the basis of a year of 365 or 366 days, as appropriate, for the actual number of days elapsed (except in the event of a conversion to a Fixed Interest Rate in which case interest will be computed on the basis of a 360-day year of twelve 30-day months on each March 1 and September 1 (a "Fixed Interest Rate Interest Payment Date") after the date the Fixed Interest Rate becomes effective). Interest on the Bonds will first accrue from and including the date of the first delivery of fully executed and authenticated Bonds to and including March 31, 1983, and, commencing April 1, 1983, interest on the Bonds will accrue from and including the Interest Payment Date in each calendar month to and including the day next preceding the Interest Payment Date in the following calendar month (each such period being hereinafter called an "Interest Period").

For the first Interest Period, the Bonds will bear interest at a rate to be established immediately prior to sale which rate shall be approved by the Mayor. Thereafter, for each Interest Period for which there is not a Fixed Interest Rate, the interest rate on the Bonds will be determined as follows:

(a) if any Bonds shall have been delivered to the Remarketing Agent for purchase on an Interest Payment Date and if any or all of such Bonds shall have been sold (or shall be deemed to have been sold) by the Remarketing Agent, the interest rate borne by all Bonds for the Interest Period which commences on such Interest Payment Date will be a rate determined by the

Remarketing Agent, in its discretion, to be that rate which, if borne by the Bonds, would, in its judgment having due regard to prevailing financial marketing conditions, be the interest rate necessary, but which would not exceed the interest rate necessary, to enable the Remarketing Agent to sell the Bonds so delivered to it; provided, however, that the interest rate so determined will not be more than 110%, nor less than 90%, of the Interest Index (hereinafter described) for such Interest Period.

(b) if any Bonds shall have been delivered to the Remarketing Agent for purchase on an Interest Payment Date and if none of such Bonds shall have been sold (or shall be deemed to have been sold) by the Remarketing Agent, the interest rate borne by all Bonds for the Interest Period which commences on such Interest Payment Date will be a percentage per annum equal to 110% of the Interest Index for such Interest Period; provided, however, that if all such Bonds shall have been purchased with moneys derived from excess Bond proceeds furnished by the trustee the interest rate borne by all Bonds will be a percentage per annum equal to the Interest Index for such Interest Period; and

(c) if no Bonds shall have been delivered to the Remarketing Agent for purchase on an Interest Payment Date, the interest rate borne by all Bonds for the Interest Period which commences on such Interest Payment Date will be a percentage per annum equal to the Interest Index for such Interest Period. Anything in the Indenture or the Bonds to the contrary notwithstanding, in no event will the interest rate borne by the Bonds exceed 20% per annum.

For the second Interest Period and each Interest Period thereafter (except upon conversion to the Fixed Interest Rate), the Interest Index will be computed by the Indexing Agent (hereinafter referred to) as of the fourth Business Day next preceding the first day of such Interest Period. The Interest Index

1 will be the average of 30-day yield evaluations at par of not
 2 less than twenty (20) issuers of securities the interest on which
 3 is exempt from federal income taxation (the "Component Issuers")
 4 selected by the Indexing Agent which will include, without limi-
 5 tation, issuers of commercial paper, project notes, bond antici-
 6 pation notes and tax anticipation notes. So long as the Bonds
 7 are rated by either Moody's Investors Service, Inc. ("Moody's")
 8 or Standard & Poor's Corporation ("S. & P.") in either of its two
 9 highest long-term debt rating categories, each of the Component
 10 Issuers must either (a) have outstanding securities rated by
 11 either Moody's or S & P in its highest note or commercial paper
 12 rating category or (b) have outstanding securities rated by
 13 either Moody's or S & P in either of its two highest long-term
 14 debt rating categories and either (i) have no outstanding notes
 15 or commercial paper or (ii) have outstanding notes or commercial
 16 paper, none of which is rated by either Moody's or S & P. In the
 17 event that the Bonds are not rated by either Moody's or S & P in
 18 either of the two highest long-term debt rating categories of
 19 such rating agency, each of the Component Issuers must either (a)
 20 have outstanding securities rated by such rating agency in its
 21 note or commercial paper rating category correlative, in the
 22 judgment of the Indexing Agent, to the long-term debt rating
 23 category in which the Bonds are rated by such rating agency or
 24 (b) have outstanding securities rated by such rating agency in
 25 the same long-term debt rating category as the Bonds are rated by
 26 such rating agency and either (i) have no outstanding notes or
 27 commercial paper or (ii) have outstanding notes or commercial
 28 paper, none of which is rated by such rating agency. The credit-
 29 worthiness of each Component Issuer shall be based solely on the
 30 creditworthiness of the Component Issuer itself and shall not be
 31 based on the creditworthiness of any other entity, including,
 32 without limitation, the owner, user or other beneficiary of faci-

1 lities financed with obligations issued by such Component Issuer.
 2 The specific issuers included in the Component Issuers may be
 3 changed from time to time by the Indexing Agent in its discre-
 4 tion. In the event that the Bonds are rated by neither Moody's
 5 nor S & P, or in the event that the Indexing Agent no longer com-
 6 putes, or fails to compute, the Interest Index and no other
 7 qualified municipal securities evaluation service can be
 8 appointed by the Issuer, the Interest Index during each Interest
 9 Period will be determined by the Remarketing Agent and will be
 10 60% of the interest rate applicable to thirteen-week United
 11 States Treasury bills determined on the basis of the average per
 12 annum discount rate at which such thirteen-week Treasury bills
 13 shall have been sold at the most recent Treasury auction during
 14 the next preceding Interest Period, or, if no such auction shall
 15 have been conducted during the next preceding Interest Period, or
 16 if the Remarketing Agent shall fail or refuse to determine the
 17 Interest Index, the Interest Index during such Interest Period
 18 will be the same as for such preceding Interest Period.

19 The computation of the Interest Index by the Indexing Agent,
 20 and the determination of any variation from the Interest Index by
 21 the Remarketing Agent, shall be conclusive and binding upon the
 22 holders of the Bonds and coupons.

23 Interest on the Bonds may be converted to a fixed interest
 24 rate as follows:

25 The interest on the Bonds shall be converted to a Fixed
 26 Interest Rate, on a one-time basis, upon the occurrence of events
 27 described in (a) or (b) as follows:

28 (a) The interest rate on the Bonds shall be converted
 29 to a Fixed Interest Rate upon receipt by the Issuer and the
 30 Trustee and any co-paying agent of a direction from the Company
 31 specifying the date the Fixed Interest Rate shall be determined
 32 (which shall not be less than five Business Days prior to the

1 effective date thereof) and the effective date thereof (which
2 shall be the first Business Day of a calendar month) delivered to
3 the Issuer, any co-paying agent and the Trustee not less than 45
4 days prior to such effective date. Such direction shall be
5 accompanied by an opinion of nationally recognized bond counsel
6 acceptable to the Issuer stating that such conversion to a Fixed
7 Interest Rate is authorized or permitted by the Indenture and the
8 Act, and that conversion to the Fixed Interest Rate will not
9 adversely affect the exemption of the interest on the Bonds from
10 federal income taxation.

11 (b) Upon receipt by the Issuer, the Trustee and the
12 Indexing Agent of a notice from the Company that in its reason-
13 able judgment the opinion of Bond Counsel referred to in
14 paragraph (a) above cannot be obtained, the Indexing Agent shall,
15 on the fourth Business Day prior to the Interest Payment Date in
16 each succeeding January or July thereafter (unless conversion to
17 the Fixed Interest Rate has already occurred), compute and make
18 available to the Trustee, the Paying Agent, if any, the Company
19 and the Remarketing Agent, the Fixed Interest Index (as
20 hereinafter defined).

21 The Fixed Interest Index shall be based upon yield eval-
22 uations at par (on the basis of full coupon securities trading
23 at par with a term equal to the period to maturity remaining on
24 the Bonds) of not less than twenty (20) component issues selected
25 by the Indexing Agent which (1) qualify under Section 103(a) of
26 the Code (including industrial development bonds) and (2) have a
27 rating specified on the Indenture of Trust. The specific issues
28 included in the component issues may be changed from time to time
29 by the Indexing Agent in its discretion. In the event that the
30 Indexing Agent no longer computes, or fails to compute, the Fixed
31 Interest Index and no other qualified municipal securities
32 evaluation service can be appointed by the Issuer, the Fixed Interest

1 Index shall be determined by the Remarketing Agent and shall be 95%
2 of the average yield, evaluated at par on the basis of a term
3 approximately equal to the time remaining until the maturity of
4 the bonds, of the United States Treasury bonds.

5 Prior to and as a precondition to any conversion to a Fixed
6 Interest Rate, the Company shall deliver to the Trustee the Fixed
7 Rate Credit Facility (as defined in the Indenture of Trust) or
8 shall deliver the evidence to the Trustee pursuant to the
9 Agreement that such Fixed Rate Credit Facility is not required.

10 Upon conversion to a Fixed Interest Rate, the Bonds shall be
11 subject to mandatory redemption on the effective date of the
12 Fixed Interest Rate at a price equal to the principal amount
13 thereof, provided, however, that Bonds called for such redemption
14 shall not be redeemed but shall be purchased on such Interest
15 Payment Date by the Company at the principal amount thereof plus
16 accrued interest, if any, if the Company shall deliver to the
17 Trustee and the Bank on or before such Interest Payment Date a
18 written notice specifying the principal amount of Bonds to be
19 purchased and, in the event that the Letter of Credit is not in
20 effect on such Interest Payment Date, if the Company shall depo-
21 sit with the Trustee moneys sufficient to pay the purchase price
22 of Bonds to be so purchased.

23 The day after the effective date of the Fixed Interest Rate,
24 the Bonds shall no longer be subject to certain provisions of the
25 Indenture, including the provisions relating to the purchase of
26 Bonds by the Remarketing Agent and the Trustee.

27 Following the conversion to the Fixed Interest Rate,
28 interest shall be payable semiannually on each March 1 and
29 September 1 thereafter until paid.

30 SECTION 6. The Mayor and Clerk are authorized and
31 directed to execute, attest, affix or imprint by any means the
32 City seal to the documents constituting the Financing Agreement

1 approved herein on behalf of the City and any other documents
 2 which may be necessary or desirable to consummate the transac-
 3 tion, including but not limited to the Official Statement, the
 4 Inducement Letter, the Lease Agreement between ConVen, Ltd. and
 5 the Fort Wayne and Allen County Convention and Tourism Authority, the
 6 Letter of Credit and the Bonds authorized herein and may approve
 7 such other changes in the Financing Agreement as they may deem
 8 necessary or advisable, including the initial interest rate and
 9 the total amount of Bonds to be issued. The signatures of the
 10 Mayor and Clerk on the Bonds and Coupons may be by facsimile
 11 signatures. The Clerk is authorized to arrange for delivery of
 12 the Bonds to the Trustee, payment for the Bonds will be made to
 13 the Trustee named in the Bond Purchase Agreement, and after such
 14 payment the Bonds will be delivered to E. F. Hutton and Company,
 15 Inc. as Underwriter. Payment for the Bonds shall be at a
 16 purchase price of not less than 97% of the principal amount of
 17 the Bonds, the actual price to be approved by the Mayor and Clerk.
 18 The Bonds shall be initially dated as of the date of the first
 19 authentication and delivery, except as otherwise provided in the
 20 Indenture of Trust with respect to registered bonds. Pursuant to
 21 the Financing Agreement the City hereby designates and appoints
 22 E. F. Hutton & Company, Inc. as Remarketing Agent and Kenny
 23 Information Systems, Inc. as Indexing Agent.

24 The Preliminary Official Statement and the final Official
 25 Statement are hereby authorized to be distributed in the manner
 26 and form as is approved by the City Attorney.

27 SECTION 7. The provisions of this Ordinance and the
 28 Bond Purchase Agreement shall constitute a contract binding between
 29 the City of Fort Wayne and the holders of the City of Fort Wayne,
 30 Indiana Floating Rate Monthly Demand Revenue Bonds (The Fort
 31 Wayne Civic Center Project) 1983 Series and after the issuance of
 32 said Bonds, this Ordinance shall not be repealed or amended in

1 any respect which would adversely affect the rights of such
 2 holders so long as said Bonds or the interest thereon remains
 3 unpaid.

4 SECTION 8. This Ordinance shall be in full force and
 5 effect from and after its passage and signing by the Mayor.

6
 7
 8
 COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: One
 Burns

Date: 3-8-83

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-47-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-83-03-08

RESOLUTION NO. R-07-83

WHEREAS, the Embassy Theatre has, for the past 55 years, played a key role in the life of this City of Fort Wayne, and;

WHEREAS, the Embassy Theatre was entered on the National Register of Historic Places as a landmark of enduring beauty and as an example of architectural excellence to the community of Fort Wayne and the nation at large, and;

WHEREAS, the Embassy Theatre played a major part in the recent naming of the Fort Wayne as "All America City" recognizing the 200,000 plus "people-hours" volunteered by citizens of this community in the continuing restoration of operation of this historic treasure, and;

WHEREAS, the year 1983, is the 55th anniversary of the Embassy Theatre, to be marked with a benefit concert starring Sergio Franchi and instituting a community wide campaign encouraging membership in and support for the Embassy Theatre, and;

WHEREAS, in the coming weeks, every facet of entertainmnet for which the Embassy Theatre has ever been known will be offered to the public.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA does hereby proclaim the week of March 12 through 19, 1983, as EMBASSY THEATRE APPRECIATION WEEK and urges all citizens to avail themselves of the programs at this historic theatre and to support the theatre in its membership drive.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None

Date: 3-8-83

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-07-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-23

RESOLUTION NO. R-08-83

A RESOLUTION providing for the 1983 funding of the
Electric Utility Cash Reserve Fund
created in 1975

WHEREAS, by Special Ordinance No. S-243-75 there was established in the accounts of the City Electric Utility a Cash Reserve Fund as envisioned by I.C. 19-3-19-1; and

WHEREAS, "Surplus earnings", after taking care of current obligations, including operating expenses, the depreciation or replacement account of at least five percent (5%) of the operating cash reserves of the Utility, the sinking fund for bonds and interest retirement, as required by law, currently amounts to more than the sum of Three Million Six Hundred Sixty Eight Thousand Five Hundred Seventy Eight and No/100 (\$3,668,578.00) Dollars, for the year 1983.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. "Surplus earnings" in the accounts of the Electric Utility in the amount of Three Million Six Hundred Sixty Eight Thousand Five Hundred Seventy Eight and No/100 (\$3,668,587.00) Dollars, are hereby transferred to the Cash Reserve Fund of said Utility.

Section 2. "Surplus earnings", after taking care of current obligations, including operating expenses, the depreciation or replacement account of the Utility, the sinking fund for bonds and interest retirement, as required by law, said surplus currently amounts to more than the sum of Three Million Six Hundred Sixty Eight Thousand Five Hundred Seventy Eight and No/100 (\$3,668,587.00) Dollars which is the amount hereby so transferred.

Section 3. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbaury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-08-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-24

RESOLUTION NO. R-09-83

A RESOLUTION authorizing the transfer
of funds between certain accounts within
the 1983 budgets of certain City departments

WHEREAS, it has become necessary to transfer funds to certain accounts in the 1983 budgets of certain City departments; and

WHEREAS, adequate funds exist in certain accounts of the respective City departments,
and

WHEREAS, such transfers have been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

Section 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the following stipulated sums within the 1983 budgets of the following listed City departments:

Street Department

Increase:

4111 Wages	\$ 56,590
4367 Equipment Repair	90,000
4341 Property Insurance	1,000
4342 Liability Insurance	<u>10,000</u>
TOTAL	\$157,590

Reduce

4263 Repair Parts	\$ 80,000
4274 Salt	60,000
4273 Sand	16,540
4351 Electricity	<u>1,050</u>
TOTAL	\$ 157,590

Section 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-09-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-25

RESOLUTION NO. R-10-83

AMENDED RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$6,000,000 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, AWB REALTY CORP. TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, AWB Realty Corp. (the "Applicant") obtained an Inducement Resolution from the Fort Wayne Economic Development Commission on December 17, 1981, and whereas subsequent to the passage of said Inducement Resolution, this Common Council adopted an Inducement Resolution in favor of the Applicant; and

WHEREAS, AWB Realty Corp. has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes to amend said Inducement Resolutions in that the Applicant now proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of the building located at 203 E. Berry Street, Fort Wayne, Indiana, currently called the Anthony Wayne Bank Building, including the land and the building and related machinery and equipment for use as a full service bank and commercial building for lease to other tenants, and including five parking levels containing approximately 275 parking spaces (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 92 jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission,

it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$6,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-1083- on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-12-40

DECLARATORY RESOLUTION NO. D-11-83

A DECLARATORY RESOLUTION designating an
"Urban Development Area" under I.C. 6-1.1-12.1,
said Area more commonly known as
1140 Hayden Street, Fort Wayne, Indiana

WHEREAS, Petitioner has duly filed its petition dated December 9, 1982, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lots 214 thru 236, plus Lot 251 Eliza Hanna
Sr. Addition plus vacant street and alley;

said property more commonly known as 1140 Hayden Street, Fort Wayne, Indiana; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property hereinabove described is hereby designated and declared an "Urban Development Area" under I.C. 6-1.1-12.1,

SECTION 2. That the foregoing is subject to:

A. An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and

B. Final confirmation hereof by due passage upon the final vote hereon.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage, due legal publication thereof and any and all necessary approval by the Mayor.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-11-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-01-24

DECLARATORY RESOLUTION NO. R-12-83

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under I.C.
6-1.1-12.1

WHEREAS, Petition has duly filed its petition dated January 14, 1983, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.-12.1, to-wit:

E175 FT X175 FT OF SPC Sec 34
W65.40A NW 1/4 EXPT TO CITY SEC 34

said property more commonly known as 2100 West State Boulevard, with street boundaries of Tyler Ave. and West State Boulevard; and

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 2 below, the property hereinabove described is hereby designated and declared an "Urban Development Area" under I.C. 6-1.-12.1.

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provision of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and
- (b) Final, confirmation hereof by due passage upon the final vote hereon.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-12-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-01-25

DECLARATORY RESOLUTION NO. R-13-83

A DECLARATORY RESOLUTION designating
an "Urban Development Area" under
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated January 14, 1983, to have the following described property designated and declared an "Urban Development Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, and I.C. 6-1.1-12.1, to-wit:

Part of the East half of the Northeast quarter of Section 33, Township 31 North Range 12 East in Washington Township, Allen County, State of Indiana, described as follows, to wit:

Beginning at a point on the South line of the East half of the Northeast quarter of Section 33, Township 31 North Range 12 East, said point being situated 593.5 feet south 89° 34' East of the Southwest corner of the East half of the Northeast quarter of Section 33, Township 31 North, Range 12 East, said point being further situated in the center line of West State Boulevard, a public thoroughfare, in said Section, Township and Range; thence North 0° 16' East, 990.0 feet to a point of curve; thence continuing in a Northerly direction 214.69 feet on a curve to the right of a 702.24 foot radius, thence South 89° 34' East 307.0 feet to the West right of way line of the former Grand Rapids & Indiana Railway Company; thence South 13° 45' East, 1240.0 feet along the said West right of way line of the former Grand Rapids & Indiana Railway Company to the aforementioned center line of West State Boulevard; thence North 89° 34' West 640.0 feet along said center line of West State Boulevard to the place of beginning;

said property more commonly known as 2424 West State Boulevard, with street boundary of West State Boulevard.

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That subject to the requirements of Section 2 below, the property hereinabove described is hereby designated and declared an "Urban Development Area" under I.C. 61.-12.1.

- (a) An affirmative ("Do Pass") recommendation by the Fort Wayne Redevelopment Commission, after due hearing, analysis and study in accordance with the provisions of Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended; and
- (b) Final confirmation hereof by due passage upon the final vote hereon.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-13-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-02-31

REGULATORY RESOLUTION NO. R-14-83

A REGULATORY RESOLUTION authorizing
the posting of "No Parking" signs
with respect to Street Sweeping of
City Streets

WHEREAS, the City of Fort Wayne by and through its Board of Public Works will, subject to Council's approval, enter into a contract with a private contractor for the sweeping of City streets;

WHEREAS, such contract between the City and the contractor will contain a requirement that the contractor post "no parking" signs twelve (12) hours prior to the beginning of sweeping on particular days, as scheduled in the proposed contract;

WHEREAS, such "no parking" signs will be designed and provided and approved by the City's Traffic Engineering Department and that such "no parking" signs will be so designed to meet the requirements of an "official traffic control device" as designated in the Municipal Code of the City of Fort Wayne;

WHEREAS, it is necessary for such "no parking" signs to be utilized so that our streets may be properly serviced under the proposed contract;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval is hereby given to require the City's street sweeping contractor to post "no parking" signs as to be outlined in the proposed City Street Contract which is to be submitted to Council. Such "no parking" signs shall be as designed by the Traffic Engineering Department of the City in a form consistent with Exhibit A attached and made a part hereunder.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-14-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-01

RESOLUTION NO. R-15-83

A resolution honoring Heritage
High School Girls' basketball
team

Once again Heritage High School Girls' basketball team has brought honor to this community.

Three times Heritage High School girls' basketball team have gone to the state basketball tournament and three times they have returned a winner. In 1978 Carol Blauvelt, one of its players, won the Mental Attitude Award. In 1982 the team won the state title. This year Jody Beerman, one of its players, won the Mental Attitude Award. Not only that, but Jody Beerman, is the all-time point leader at Heritage and scored 27 points in the state tournament game against Crown Point.

THEREFORE BE IT RESOLVED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. That we hereby congratulate the members of the Heritage High School basketball team, its coaches and its school officials on bringing this great honor to our community.

Section 2. That a copy of this resolution be spread on record in the official Journal of this Council's proceedings and a copy of this resolution be sent to the school officials of Heritage High School.

Samuel J. Talarico

Paul M. Burns

Janet G. Bradbury

Victoria L. Scruggs

James S. Stier

Ben A. Eisbart

Mark E. GiaQuinta

Roy J. Schomburg

Donald J. Schmidt

BILL NO. S-83-02-33

SPECIAL ORDINANCE NO. S-48-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and through its
Board of Public Works and The Weikel Line
Company for Res. 163-82, Ornamental Street
Lighting on Edgeknoll Lane

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The next Contract, made a part hereof, by The City of Fort Wayne by and through its Board of Public Works and The Weikel Line Company for Res. 163-82, Edgeknoll Land Ornamental Street Lighting, is hereby ratified and approved in all respects. The work under said Contract requires:

Ornamental Street Lighting in the
100 to 500 blocks of Edgeknoll
Lane for Res. 163-82;

involving a total cost of Eight Thousand Nine Hundred Eighty-Nine and Eighty-Five/100 Dollars (\$8,989.85).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-48-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-02-34

SPECIAL ORDINANCE NO. S-49-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and John Dehner, Inc. for Res.
374-82, sewer repairs for Third Street

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The next Contract, made a part hereof, by The City of Fort Wayne by and through its Board of Public Works and John Dehner, Inc. for Res. 374-82, Third Street Sewer Repairs, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

the excavating and lining and/or replacement of sewers. Federal Emergency Management Agency Damage Survey Report #044886 covers 2,600 Feet of 72" Sewer on Third Street, #047085, Third Street Outfall, and #047084 covers Intersection of Third Street and Calhoun Street;

the Contract price is Seven Hundred Ninety-Six Thousand Three Hundred Twelve and Sixty-Four/100 Dollars (\$796.312.64).

SECTION 2. Prior approval was received from Council with respect to this Contract on February 2, 1983. Two copies of the Contract attached hereto are on file with the Clerk's Office and a copy of said Contract is on file with the Board of Public Works, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-49-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-02-32

GENERAL ORDINANCE NO. G-05-83

AN ORDINANCE approving the Municipally
Funded Low Cost Spay/Neuter
Clinic Agreement

WHEREAS, the Common Council has previously approved tof the establishment of a Municipally Funded Low Cost Spay/Neuter Clinic;

WHEREAS, the Common Council has requested that a committee be formed for purposes of determining the best approach to the implementation of such a clinic;

WHEREAS, recommendations from the committee have been made to the Common Council.

WHEREAS, an Agreement encompassing such recommendations has been prepared;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Municipally Funded Low Cost Spay/Neuter Clinic Agreement, attached hereto as a part hereof, is hereby approved in all respects and the Mayor and the Animal Control Commission are hereby empowered to execute same on behalf of the City. Two (2) copies of the Municipally Funded Low Cost Spay/Neuter Agreement are on file in the City Clerk's Office and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Janet G. Bradbury
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-8-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-05-83 on the 8th day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 10th day of March, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-05

SPECIAL ORDINANCE NO. S-50-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-24737 with Midwest
Tile & Concrete for the Water Pollution Control
Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 24737, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Midwest Tile & Concrete, respectfully for:

the awarding of the bid with respect to the purchase of One Hundred Plus (100+) catch basins and One Hundred (100) inlets for the Water Pollution Control Maintenance Department;

involving an approximate total cost of Thirty Thousand Four Hundred Fifty and No/100 Dollars (\$30,450.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-50-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-06

SPECIAL ORDINANCE NO. S-51-83

AN ORDINANCE approving Civil City Purchase
Order Nos. A-23258 and A-23259 with Allen
County Motors, for the Fort Wayne Animal
Control Commission

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders No. A23258 and A23259, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing and Allen County Motors, respectfully, for:

the awarding of a bid with respect to the purchase of one (1) van w/cage, Purchase Order No. 23258 at a cost of Sixteen Thousand Three Hundred Eighty-One and 97/100 Dollars (\$16,381.97);

the awarding of a bid with respect to the purchase of one (1) van w/cage and one (1) van wo/cage, Purchase Order No. 23259 at a cost of Twenty-Six Thousand Two Hundred Twenty-Eight and 94/100 (\$26,228.94);

involving a total cost of Forty-Two Thousand Six Hundred Ten and 91/100 Dollars (\$42,610.91), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-51-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman /ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-07

SPECIAL ORDINANCE NO. S-52-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-24735 with
Industrial Fuel Oils for the Three
Rivers Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 24735, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Industrial Fuel Oils, respectfully for:

the awarding of a bid with respect to the
purchase of approximately One Hundred Sixty
Thousand (160,000) of Number Five (5)
Fuel Oil for the Three Rivers Filtration
Plant;

involving an approximate total cost of One Hundred Thirty Thousand and No/100 Dollars (\$130,000.00), all as more particularly set forth in said purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-52-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-04

RESOLUTION NO. R-15-83

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND
SALE OF \$2,000,000 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA
FOR THE PURPOSE OF INDUCING THE APPLICANT,
HEALTH CARE FUND TO PROCEED WITH
THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Health Care Fund (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an 80 bed nursing home of approximately 25,878 square feet located on the north side of Washington Center Road between Sharon Drive and Rodenbeck Drive, Fort Wayne, Indiana, including construction, financing, bond discounts, and cost of issuance to be leased as a comprehensive nursing care center (the "Project"); and

WHEREAS, the diversification of industry and an increase of 60 jobs to be achieved by the acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and shall comply with the provisions of Sec. 103(k) of the Internal Revenue Code; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
 Bradbury, Burns, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None
 Abstained: One
 Eisbart

Date: 3-22-83

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-15-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
 City Clerk

Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. R-83-03-32

RESOLUTION NO. R-16-83

A RESOLUTION authorizing a Fire Protection
 Contract between the City of Fort Wayne,
 Indiana, and Holiday Inns, Inc.

WHEREAS, Holiday Inns, Inc., operates an establishment at 3330 California Road, Fort Wayne, Indiana, which is outside the present corporate limits of the City;

WHEREAS, Holiday Inns, Inc., has requested certain fire protection from the City for a one (1) year period and has agreed to pay the City the sum of Two Thousand and No/100 Dollars (\$2,000.00) for such protection.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed contract made a part hereof between the City of Fort Wayne, Indiana, and Holiday Inns, Inc., is hereby ratified confirmed and approved in all respects. Two (2) copies of said Contract are on file in the City Clerk's Office and are available for public inspection.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
 Nays: None

Date: 3-22-83

Charles W. Westerman /ne
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-16-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-36

RESOLUTION NO. R-17-83

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to the City property to certain accounts within the 1983 budget of the Park Department for the purpose of repairs to such property

WHEREAS, various items of City property have been damaged by certain parties; and

WHEREAS, insurance companies have reimbursed the City of Fort Wayne for such damages and such reimbursements have been received and receipted by the City Controller into the Park Fund, Accounts 121, of the City of Fort Wayne; and

WHEREAS, the Park Department has repaired or replaced such damaged items; and

WHEREAS, I.C. 6-1.-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that these insurance proceeds be used to repair the items damaged.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the following sums of insurance claim proceeds from the Park Fund, Account 121, to the following accounts within the 1983 budget of the Park Department:

4361	Building Repairs	\$76,897.89
4363	Equipment Repairs	10,286.84
4444	Equipment	<u>2,600.00</u>
	TOTAL	\$89,784.73

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-17-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-37

RESOLUTION NO. R-18-83

A RESOLUTION authorizing the temporary advancement of funds from the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund to the General Fund for the period ending December 31, 1983

WHEREAS, it has become necessary to borrow money to enhance the depleted General Fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of the Electric Utility Fund, Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road and Street Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is hereby authorized to transfer the sum of Nine Million and No/100 Dollars (\$9,000,000.00) to the General Fund from the following funds if and when needed:

Electric Utility Fund	\$3,000,000.00
Revenue Sharing Trust Fund	\$2,500,000.00
Motor Vehicle Highway Fund	\$1,500,000.00
Local Road and Street Fund	<u>\$2,000,000.00</u>
Total of transfer	\$9,000,000.00

which said sum shall be returned and repaid to the aforementioned funds on or before December 31, 1983.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, Giaquinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-18-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-01-06 (as amended)

GENERAL ORDINANCE NO. G-08-83

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating alleys thereof

WHEREAS, a petition to vacate public alleys within the City of Fort Wayne (as more specifically described below) was duly filed with the City Plan Commission; and

WHEREAS, said Commission held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Plan Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate public alleys within the City of Fort Wayne, more specifically described as follows, to-wit:

1. A 7 foot wide alley running north-south along the west edge of lots 15, 16 and 17, White's First Addition to the City of Fort Wayne, Allen County, Indiana, and along the east edge of the Lutheran Cemetery, west of Grant Avenue, between Maumee Avenue on the south and Randall Street on the north.
2. a 14 foot wide alley which runs east-west along the north edge of lots 13, 14 and 15 and along the south edge of lot 16, White's First Addition to the City of Fort Wayne, Allen County, Indiana, north of Maumee Avenue, between Grant Avenue on the east and the Lutheran Cemetery on the west.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master Plan") and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, due public hearing thereon, and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-08-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-03-12

GENERAL ORDINANCE NO. G-06-83

AN ORDINANCE accepting minimum
Housing responsibilities within
the City of Fort Wayne, Indiana

WHEREAS, the City and the County have, in the past, jointly participated in the City-County Building and Minimum Housing Department of Allen County, Indiana, pursuant to I.C. 17-2-72.3;

WHEREAS, pursuant to said statute, the City-County Building and Minimum Housing Code of the Unsafe Building Ordinance of the City;

WHEREAS, I.C. 36-1-3.5-6 transfers jurisdiction of the City-County Building and Minimum Housing Department to the Board of Commissioners of the County;

WHEREAS, the Board of Commissioners of the County has expressed its desire to decline to exercise jurisdiction of Minimum Housing administration and enforcement, including the enforcement of the Minimum Housing Code and the Unsafe Building Ordinance of the City;

WHEREAS, unless the City exercises Minimum Housing responsibilities, there will be no Minimum Housing administration and enforcement nor would there be any enforcement of the City's Minimum Housing Code and Unsafe Building Ordinance;

WHEREAS, it is in the interest of the citizens of this community to ensure the continued and uninterrupted enforcement of the City's Minimum Housing Code and Unsafe Building Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval is hereby given to the City of Fort Wayne, Indiana, to assume jurisdiction and responsibility of Minimum Housing enforcement and administration, including the enforcement of the City's Minimum Housing Code and Unsafe Building Ordinance.

SECTION 2. That the annexed proposed Agreement, made a part hereof, between the City and Allen County, allowing for the shifting of Minimum Housing

responsibilities from the County to the City, is hereby approved, affirmed and ratified in all respects. The Mayor is hereby empowered to execute said Agreement on behalf of the City and two (2) copies of such Agreement are on file in the City Clerk's Office and available for public inspection.

SECTION 3. This Ordinance is adopted pursuant to I.C. 36-1-3 et seq. allowing the City necessary powers to govern itself and provide services for its citizens.

SECTION 4. Authority is hereby given pursuant to I.C. 36-4-9-4 to establish a Minimum Housing Department within the City as determined appropriate by the Mayor. Furthermore, authority is hereby given to transfer Minimum housing responsibilities to the Housing Authority of the City of Fort Wayne, Indiana, if deemed appropriate by the Mayor.

SECTION 5. The City contemplates utilizing specific rules, regulations, and procedures with respect to Minimum Housing administration and enforcement and in that regard the Administration will, at a later date, present to this Council an Ordinance outlining such rules, regulations, and procedures governing Minimum Housing administration and enforcement.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Scruggs

Date: 3-22-83
Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-06-83 on the 22nd day of March, 1983.

ATTEST (SEAL)

Charles W. Westerman /ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-03-13 (as amended)

GENERAL ORDINANCE NO. G-09-83

AN ORDINANCE amending The Code of the City of Fort Wayne, Indiana of 1974, to coincide with Appropriation Ordinance No. A-83-02-22 (as amended) (as amended)

WHEREAS, this Council is considering Bill No. A83-02-22, (as amended) (as amended) entitled:

AN ORDINANCE appropriating funds from the Cable TV Fund to certain accounts within the 1983 budget of the Cable TV Fund 1983 and providing for a Common Council appointee to the Governing Board of START (Hi Tech)

WHEREAS, said Appropriation Ordinance contemplated transfer of Three Hundred Thousand and NO/100 Dollars (\$300,000.00) from the Cable TV Fund, Account Number 166, to the following account within the 1983 budget of the Cable TV Fund, to wit:

Contractual Services, Account #4399;

WHEREAS, Section 7.5-8(b), of The Code of the City of Fort Wayne, Indiana of 1974, provides that all funds received under the "Cable Communications System" Ordinance (Section 7.5-1 through 12 of The Code of the City of Fort Wayne, Indiana of 1974) "be deposited into a revolving fund to be used for Cable System related expenses",

WHEREAS, This Ordinance is necessary to amend Section 7.5-8(b) of The Code of the City of Fort Wayne, Indiana 1974, to allow for the appropriation as contained in Bill No A-83-02-22(as amended) (as amended).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 7.5-8(b) of The Code of the City of Fort Wayne, Indiana of 1974, is hereby amended to allow for the appropriation and transfer of funds as suggested in Bill No. A-83-02-22 22 (as amended) (as amended) entitled:

AN ORDINANCE appropriating funds from the
Cable TV Fund to certain accounts within
the 1983 budget of the Cable TV Fund 1983
and providing for a Common Council appointee to
the Governing Board of START (Hi Tech)

SECTION 2. That the amendment herein made is made only for the purpose of allowing the appropriation and transfer of funds as requested in Bill No. A-83-02-22 (as amended) (as amended) is made for no other purposes. The amendment herein made shall in no way be construed as a general amendment allowing for utilization of funds received under the Cable Communications System Ordinance except for purposes as specifically spelled out therein and except for the appropriation and transfer of funds as referenced in Bill No. A-83-02-22 (as amended) (as amended).

SECTION 3. "Section 7.5-8(b) of The Code of the City of Fort Wayne, Indiana of 1974, is hereby amended by adding thereto the following sentence": "In addition to the immediate preceding allowable expenditure there is hereby authorized the expenditure as provided for in Appropriation Ordinance No. A-83-02-22, (as amended) (as amended) as passed by the Common Council of the City of Fort Wayne Indiana."

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-09-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-01-03

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 (Multiple Family) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 Block II Arlington Park Addition to the City of Fort Wayne, Indiana, and one-half of the vacated alley adjoining said Lots, according to the plat thereof recorded in the Office of the Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne, Zoning Map No. M22, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Date: 3-22-83

Charles W. Westerman/ne
City Clerk

BILL NO. Z-83-02-11

ZONING MAP ORDINANCE NO. Z-01-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the East line of said Southeast Quarter at a point situated 485.1 feet South of the Northeast corner of said Southeast Quarter; thence South, on and along said East line, being also the centerline of Reed Road, a distance of 477.4 feet; thence Westerly, by an interior angle of 90 degr. 21 min, and parallel to the North line of said Southeast Quarter, a distance of 457.0 feet; thence North and parallel to said East line; a distance of 477.4 feet; thence Easterly and parallel to said North line, a distance of 457.0 feet to the point of beginning, containing 5.009 acres, of land, subject to legal right-of-way for Reed Road and subject to all easements of record, TOGETHER WITH.

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana; thence West along the North line of the East 1/2 of the SE 1/4 of Se. 32-31-13 a distance of 457.0 feet;

thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 691.0 feet to the point of beginning; thence West, with a deflection angle to the right of 89 degr. 07 min. 20 sec. a distance 226.28 feet; thence South with a deflection angle to the left of 89 degr. 07 min. 20 sec. a distance of 271.5 feet; thence East with a deflection angle to the left of 90 degr. 52 min. 40 sec. a distance of 226.28 feet; thence North with a deflection angle to the left 89 degr. 07 min. 20 sec. a distance of 271.5 feet to the point of beginning, containing 1.41 acres.

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eibart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. Z-01-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-02-12

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 1 and 2 of Joseph W. Bell's Subdivision;

and the symbols of the City of Fort Wayne Zoning Map No. N-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Date: 3-22-83 Charles W. Westerman /ne
City Clerk

BILL NO. S-83-03-15

SPECIAL ORDINANCE NO. S-53-83

AN ORDINANCE approving Change Order
No. 1 for Resolution No. 5907-81,
Harrison Hill Improvement Project,
in connection with the Board of
Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 5907-81, Harrison Hill Improvement Project, with T & F Construction Corporation, in connection with the Board of Public Works for:

Unscheduled additional 6" sidewalk was necessary because of the driveways; commercial driveways were affected and replaced; small amount of drainage was required;

involving a net increase in the amount of Twenty-Three Thousand Eight Hundred Fifty-Six and 52/100 Dollars (\$23,856.52), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-53-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-16

SPECIAL ORDINANCE NO. S-54-83

AN ORDINANCE approving Change Order No. 1 and FINAL, Resolution No. 327-80, "Neuhaus Ditch Phase I", Spy Run Study Area Project No. C-180599-07, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, and FINAL, Resolution No. 327-80, "Neuhaus Ditch Phase I", Spy Run Study Area Project No. C-180599-07, with North Eastern Construction, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Fifty-Two Thousand Four Hundred Seventeen and 10/100 Dollars (\$52,417.10), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, ' confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, talarico

Nays: None

Date: 3-22-83

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-54-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman /ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-17

SPECIAL ORDINANCE NO. S-55-83

AN ORDINANCE approving Change Order
No. 4 and FINAL on Resolution No. 348-80,
"Ansley-Lagro", Junk Ditch Study Area,
Project No. 180599-09, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Change Order No. 4 and FINAL, Resolution No. 348-80, "Ansley-Lagro",
Project No. 18059909, Junk Ditch Study Area, with Winzeler Excavating Co., Inc., in connection with
the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price
to agree with actual quantities installed under this project;

involving a net decrease in the amount of Seven Thousand Nine Hundred Seventy-Five and 58/100 Dollars
(\$7,975.58), all as more particularly set forth in the specifications, and which is on file with the Office
of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby
in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly
adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special
Ordinance No. S-55-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of
March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-18

SPECIAL ORDINANCE NO. S-56-83

AN ORDINANCE approving Change Order
No. 4 and FINAL for Resolution No.
342-80, Covington Road - Country
Club, Junk Ditch Study Area, Project
No. C-180599-09, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 and FINAL, Resolution No. 342-80, Covington Road - Country Club, Junk Ditch Study Area, Project No. C-180599-09, with Winzeler Excavating Co., Inc., in connection with the Board of Public Works, for;

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Thirteen Thousand One Hundred Fifty-Seven and 91/100 Dollars (\$13,157.91), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-56-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-19

SPECIAL ORDINANCE NO. S-57-83

AN ORDINANCE approving Change Order
No. 2 and FINAL, Resolution No.
341-080, "Swinney Park", Project No.
C-180599-09, Junk Ditch Study Area,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and FINAL, Resolution No. 341-80, "Swinney Park", Project No. C-18059909, Junk Ditch Study Area, with Winzeler Excavating Co., Inc., in connection with the Board of Public Works, for;

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Fourteen Thousand Five Hundred Twenty-One and 92/100 Dollars (\$14,521.92), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-57-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-20

SPECIAL ORDINANCE NO. S-58-83

AN ORDINANCE approving Change Order
No. 4 and FINAL, Resolution No. 349-80,
"Sprunger Lift Station Elimination",
project No. C-180599-09, Junk Ditch Study
Area, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4 and FINAL, Resolution No. 349-80, "Sprunger Lift Station Elimination", Project No. C-180599-09, Junk Ditch Study Area, with T-G Excavating Co., Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease in the amount of Four Thousand Three Hundred Forty-Five and 51/100 Dollars (\$4,345.51), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-58-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-21

SPECIAL ORDINANCE NO. S-59-83

AN ORDINANCE approving Change Order
No. 5, Resolution No. 351-80, Westwood
Addition, Project No. C1-80599-09,
Junk Ditch Study Area, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5, Resolution No. 351-80, Westwood Addition, Project No. C-180599-09, Junk Ditch Study Area, with Winzeler Excavating Co., Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Eleven Thousand Nine Hundred Twenty and 82/100 Dollars (\$11,920.82), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-59-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-22

SPECIAL ORDINANCE NO. S-60-83

AN ORDINANCE approving Change Order
No. 1, Resolution No. 352-80, Rehabilitation
of Sewers SSES Subsystem FS, IS and US,
Project No. C-180599-09, Junk Ditch Study
Area, in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 352-80, Rehabilitation of Sewers SSES Subsystem FS, IS and US Project No. C-180599-09, Junk Ditch Study Area, with Bercot, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease in the amount of Seventeen Thousand Six Hundred Thirty-Three and 13/100 Dollars (\$17,633.13), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-60-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman /ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-23

SPECIAL ORDINANCE NO. S-61-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and Scheidleman Excavating, Inc.
for Res. 377-80, Leo Road-Clinton
Park 12" Sanitary Sewer Extension

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Scheidleman Excavating, Inc., for Res. 377-80, Leo Road-Clinton Park 12" Sanitary Sewer Extension, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

sanitary sewer extension beginning at an existing manhole on the 36" St. Joe Interceptor sewer, located 65 ± L.F. west and 55 ± L.F. south of the centerline intersection of Leo Road and Bequettes Run, in SE 1/4 of Sec. 7 T31N, R13E (St. Joseph Township); thence northeasterly at a distance of 230 ± L.F. to a point located 20 ± L.F. to the east from the centerline of Leo Road; thence northeasterly and parallel to the centerline of said road at a distance of 2275 ± L.F.; thence northwesterly and parallel to centerline of Clinton Park Drive at a distance of 245 ± L.F.; thence northeasterly and parallel to the centerline of Clinton Park Drive at a distance of 600 ± L.F. terminating at a proposed manhole; said Sewer is 12" in diameter;

the Contract price is Eighty-Six Thousand One Hundred Ninety-Two and 93/100 Dollars (\$86,192.93).

SECTION 2. Prior approval was received from Council with respect to this Contract on March 1, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talrico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-61-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman /ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-24

SPECIAL ORDINANCE NO. S-62-83

AN ORDINANCE approving an Agreement
by the City of Fort Wayne by and through its
Board of Public Works for a Sanitary Sewer
Extension Agreement for Customcraft, Inc.
between Icon, Inc. d/b/a Customcraft Plastic Products

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Agreement, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Icon, Inc. d/b/a Customcraft Plastic Products, for Res. 37782, Leo Road-Clinton Park Sanitary Sewer Extension, is hereby ratified and affirmed and approved in all respects. The work under said Agreement requires:

Customcraft is constructing a new addition to the existing building at 8333 Clinton Park Drive and desires to obtain sanitary sewer services. The City and owner (Icon, Inc. d/b/a Customcraft Plastic Products) have agreed to jointly construct a sewer known as Leo Road-Clinton Park Sanitary Sewer Extension, Resolution 377-82;

the Agreement price is Ninety-Three Thousand Three Hundred Thirty-Two and 83/100 Dollars (\$93,332.83).

SECTION 2. Prior approval was received from Council with respect to this Agreement on March 1, 1983. Two (2) Copies of the Agreement attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 3-22-83

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S- 62-83 on the 22nd day of March, 1983.

ATTEST

(SEAL)

Charles W. Westerman/ne
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 23rd day of March, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-28

SPECIAL ORDINANCE NO. S- 63-83

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,365,000 ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, IN ORDER TO ASSIST HEALTH CARE FUND IN THE FINANCING OF COSTS OF NEW COMMERCIAL FACILITIES; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LOAN AGREEMENT WITH RESPECT TO THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AND AUTHORIZING THE ASSIGNMENT BY THE CITY OF A NOTE, MORTGAGE, LOAN AGREEMENT AND ASSIGNMENT OF LEASE FROM HEALTH CARE FUND.

WHEREAS, the CITY OF FORT WAYNE, INDIANA (hereinafter called the "Issuer") is by virtue of the laws of the State of Indiana, including IC 36-7-12 (the "Act"), and other authorities mentioned therein, authorized and empowered, among other things, (a) to issue revenue bonds in order to assist in the financing of costs of economic development facilities located within the boundaries of the Issuer, (b) to enter into an agreement with the user of such facilities providing for revenues sufficient to pay the principal of and interest and any premium on such revenue bonds, (c) to secure such revenue bonds by a trust agreement between the Issuer and a corporate trustee, and by a pledge and assignment of such revenues, as provided for herein, and (d) to enact this Bond Legislation and enter into the Indenture and the Loan Agreement, as hereinafter identified, upon the terms and conditions provided therein; and

WHEREAS, HEALTH CARE FUND is a business trust duly organized and existing under and by virtue of the laws of the State of Ohio and qualified to do business in the State of Indiana; and

WHEREAS, it is hereby determined by this Legislative Authority that the acquisition, construction, installation and equipment of the Project by the Company, as hereinafter defined, including the financing thereof will require the issuance, sale and delivery of Project Bonds in the principal amount of \$2,365,000, and hereafter may require the Issuer's issuance, sale and delivery of Additional Bonds on a parity therewith, all of which Bonds shall be equally and ratably payable and secured as provided herein and in the Indenture authorized herein;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Bond Legislation or in the Agreement and used herein as defined words and terms, the following words and terms as used in this Bond Legislation and

in the Indenture authorized herein shall have the following meanings unless the context or use clearly indicates another or different meaning or intent:

"Act" means IC 36-7-12-1 to 36-7-12-37, inclusive, as enacted and amended.

"Additional Bonds" means Bonds issued pursuant to Section 8 of this Bond Legislation.

"Agreement" means the Loan Agreement, provided for in Section 11 hereof, between the Issuer and the Company, dated as of April 1, 1983, as the same may be duly amended, modified or supplemented in accordance with the provisions thereof.

"Assignment" means the Assignment of Mortgage and Security Agreement of even date herewith from the Issuer to the Trustee and shall also mean the Issuer assignment to the Trustee of the Company's assignment of the Lease.

"Bonds" means the Project Bonds and any Additional Bonds issued and to be issued pursuant to the Indenture.

"Bond Fund" means the Bond Fund created by Section 7 hereof.

"Bond Fund Payment" means as to the Project Bonds an amount equal to the interest accrued on the Project Bonds from their date to the date of their delivery to the Original Purchaser and payment therefor and as to the Additional Bonds the amount specified in the Bond Legislation authorizing such Additional Bonds, provided that the Bond Fund Payment for any Additional Bonds shall not be less than an amount equal to the interest accrued on such Additional Bonds from their date to the date of delivery of such Additional Bonds to their Original Purchaser and payment therefor.

"Bondholder" or "holder" or "holder of Bonds" means any person who is the bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer, or the person in whose name a registered Bond is registered, and "holder" when used with reference to a coupon means the bearer of the coupon.

"Bond Legislation" means this Ordinance authorizing the Project Bonds, except that when used with reference to an issue of Additional Bonds it shall mean this Bond Legislation to the extent applicable and the other legislation providing for the issuance of such Additional Bonds, and except that when used with reference to Bonds when Additional Bonds are outstanding it shall mean this Bond Legislation and the Bond Legislation providing for the issuance of Additional Bonds, all as the same may from time to time be lawfully amended, modified or supplemented.

"Bond service charges" for any time period means the principal, including any mandatory sinking fund requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period.

"Code" means the Internal Revenue Code of 1954, as amended, and with respect to a specific section thereof such reference shall be deemed to include (i) the regulations promulgated under such section, (ii) any successor provision of similar import hereafter enacted, (iii) any corresponding provisions of any subsequent Internal Revenue Code, and (iv) the regulations promulgated under the provisions described in (ii) and (iii).

"Company" means Health Care Fund, an unincorporated Ohio business trust operating as a real estate investment trust pursuant to Sections 856 to 860, inclusive, of the Code and its successors and assigns including any surviving, resulting or transferee entity as provided in Section 6.3 of the Agreement.

"Construction Fund" means the Construction Fund created by Section 6 hereof.

"Coupon" or "interest coupon" means a coupon issued hereunder evidencing an installment of interest on a coupon Bond.

"Coupon bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Determination of Taxability" means the final adoption of legislation or regulations or a final determination, decision, decree, ruling or technical advice by any judicial or administrative authority or by the Internal Revenue Service as a result of the limitations prescribed by Section 103(b) of the Code having been exceeded, any of which has the effect of requiring interest on the Bonds to be included in the gross income for Federal income tax purposes of the holder or registered owner of the Bonds (other than a holder or registered owner who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103(b)(13) of the Code). A decision or ruling by any judicial or administrative authority shall not be considered final for the purposes of this definition until the expiration or waiver of all periods for judicial review or appeal, as the case may be, in which review or appeal the Company has participated or has had an opportunity to participate. Such determination shall be deemed to have occurred upon receipt by the Trustee of evidence thereof.

"Eligible Investments" means (i) obligations issued or guaranteed by the United States of America, or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to the authority granted by Congress, the payment of the principal and interest of which is fully and unconditionally guaranteed by the United States of America; (ii) obligations issued or guaranteed by any state or political subdivision thereof rated A or higher by Moody's Investors Service, Inc. or by Standard & Poor's Corporation, both of New York, New York, or their successors; (iii) open market commercial or finance paper of any corporation having a net worth in excess of \$100,000,000 and which is rated either P-1 or A-1 or an equivalent by Moody's Investors Service, Inc. or Standard & Poor's Corporation, both of New York, New York, or their successors; (iv) investments due within 12 months in certificates of deposit issued by, or bankers' acceptances of, the Trustee, or of banks, savings banks, savings and loan associations or trust companies organized under the laws of the United States of America or any state thereof, which must have a reported capital and surplus of at least \$20,000,000 in dollars of the United States of America; (v) regular savings accounts of bank or trust companies, including the Trustee, or of savings and loan or building and loan associations, organized under the laws of the United States of America or of the State, which institution has a reported capital and surplus of at least \$20,000,000 in dollars of the United States of America; provided, however, that at no time shall any sum in excess of \$5,000 be invested in any savings account; (vi) repurchase agreements, including the Trustee's, fully secured by obligations of the type specified in (i) above; and (vii)

regulated money market funds invested in United States government obligations; provided that any such investment or deposit is not prohibited by law.

"Event of Taxability" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which result in the interest payable on the Bonds becoming includable in the gross income for Federal income tax purposes of the holder or registered owner of the Bonds (other than a holder or registered owner who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103(b)(13) of the Code), such occurrence of circumstances relating to a specific point in time.

"Executive" means the Mayor of the Legislative Authority of the Issuer.

"Fiscal Officer" means the Clerk of the Legislative Authority of the Issuer.

"Indenture" means the Trust Indenture, provided for in Section 11 hereof, between the Issuer and the Trustee, dated as of April 1, 1983, including this Bond Legislation as part thereof, as the same may be amended, modified or supplemented in accordance with the provisions thereof.

"Interest Payment Date" means, as to the Project Bonds, the first day of each April and September and, as to Additional Bonds, the date or dates identified as such in the Bond Legislation authorizing such Additional Bonds.

"Lease" means the lease agreement to be executed between the Company and the Lessee pursuant to which the Project will be leased for operation by the Lessee, which Lease shall be subordinate to the Mortgage.

"Legislative Authority" means the Common Council of the Issuer.

"Lessee" means (which individuals propose to enter into the Lease with the Company), and any other lessee of the Company or any subsequent assignee of the initial Lessee.

"Loan" means the loan by the Issuer to the Company of the proceeds from the sale of the Project Bonds to the Original Purchaser, after deducting the Bond Fund Payment, as the same may hereafter be increased from the proceeds from the sale of Additional Bonds.

"Loan Payments" means the amounts required to be paid by the provisions of Section 2.1 of the Agreement, as the same may hereafter be amended or supplemented, in repayment of the Loan.

"Mandatory Redemption Date" means April 1 of the years 1996 and 1997, and as to any Additional Bonds, the date or dates specified in the applicable Bond Legislation on which such Additional Bonds are to be retired pursuant to mandatory sinking fund requirements. As appropriate, the maturity date denoting a particular series of Project Bonds shall be used in conjunction with the term "Mandatory Redemption Date".

"Mandatory sinking fund requirements" means amounts required by any Bond Legislation to be deposited in the Bond

Fund for the purpose of retiring, on a specified date, principal maturities of Bonds which by their terms are due and payable, if not called for prior redemption, at a subsequent date.

"Mortgage" means the Mortgage and Security Agreement pertaining to the Project Site and the Project from the Company, as mortgagor, to the Issuer, as mortgagee and secured party, of even date herewith and any amendment and supplements thereto.

"Note or Notes" means the Promissory Note of even date herewith constituting an unconditional promise of the Company to repay the Loan to the Issuer, and in the form of Note attached as Exhibit A to the Agreement, and any additional promissory Note or Notes executed and delivered with respect to Additional Bonds.

"Notice Address" means:

(a) As to the Lender:

City of Fort Wayne, Indiana
City County Building
Fort Wayne, Indiana 46802
Attention: Mayor

(b) As to the Company

Health Care Fund
1865 North McCullough Street
Lima, Ohio 45802
Attention: Bruce G. Thompson,
President

(c) As to the Trustee:

St. Joseph Bank and Trust Company
202 South Michigan
P.O. Box 6
South Bend, Indiana 46624
Attention: Corporate Trust
Department

or such different address notice of which is given under Section 9.04 hereof, but no such notice shall thereby be required to be sent to more than two addresses.

"Original Purchaser" means, as to the Project Bonds, Traub and Company, Inc. and, as to Additional Bonds, the person or persons identified as such in the Bond Legislation providing for the issuance of such Additional Bonds.

"Outstanding Bonds" or "Bonds outstanding" or "outstanding" as applied to Bonds, means, as of any date, all Bonds which have been authenticated and delivered, or are then being delivered, by the Trustee under the Indenture except:

- (a) Bonds surrendered for and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;
- (b) Bonds for the payment, redemption or purchase for cancellation of which sufficient moneys have been deposited prior to such date with the Trustee (whether upon or prior to the maturity or redemption date of any such Bonds), or which are deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bonds are to be redeemed prior to the maturity thereof, notice

of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made thereof, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

- (c) Bonds in lieu of which others have been authenticated (or payment, when due, of which is made without replacement) under Section 2.05 of the Indenture;

and also except that

- (d) For the purpose of determining whether the holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"Paying Agents" means any banks or trust companies designated as the paying agencies or places of payment for Bonds or coupons by or pursuant to the applicable Bond Legislation, and their successors designated pursuant to the Indenture.

"Permitted Encumbrances" means as of any particular time, (i) liens for real estate taxes and special assessments not then delinquent, (ii) utility, access and other easements and rights of way, flood rights, leases, restrictions and exceptions that an Engineer and the Company certify will not interfere with or impair the operations being conducted in the Project, or which are fully insured over, (iii) such minor defects, irregularities, encumbrances, easements, rights of way, and clouds on title as normally exist with respect to properties similar in character to the Project and as do not, in the opinion of legal counsel acceptable to the Trustee, materially impair the property affected thereby for the purposes for which it was acquired or is held by the Company, (iv) the Mortgage, and (v) the Lease.

"Person", whether or not appearing with initial capitalization, means natural persons, firms, associations, corporations and public bodies.

"Pledged Receipts" means (a) the Loan Payments, including the payments of principal of and interest and any premium on the Note, (b) subject to the provisions of Sections 3.04 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of the holders of particular Bonds, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, pursuant to the Agreement or in respect to the Loan, (c) the proceeds of the Bonds including all moneys deposited in the Construction Fund and (d) the

income and profit from the investment of the Loan Payments, any other moneys held by the Trustee under the Indenture, and the moneys deposited in the Construction Fund.

"Project" means the real, personal, or real and personal property, including undivided or other interests therein, identified in Exhibit B to the Agreement, in or pursuant to any amendments to the Agreement, and in the certificate of the Project Supervisor given pursuant to Section 3.3 of the Agreement, and acquired, constructed or installed in replacement or substitution thereof or in addition thereto, and as may result from a revision of the Plans and Specifications (as defined in the Agreement) in accordance with the provisions of the Agreement.

"Project Bonds" means the Bonds authorized in Section 3 hereof and designated "Economic Development First Mortgage Revenue Bonds (Health Care Fund Project)".

"Project Purposes" means the purposes of a commercial facility as described in the Act.

"Project Site" means the real estate constituting the site of and a part of the Project, which real estate is described in Exhibit C to the Agreement.

"Registered Bonds" means Bonds registered in the name of the holder, including coupon Bonds registered as to principal (except to bearer).

"State" means the State of Indiana.

"Trustee" means the Trustee at the time serving under the Indenture, originally St. Joseph Bank and Trust Company, South Bend, Indiana, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, to the Legislative Authority, or to any officers thereof, shall include any entity which succeeds to its or their functions, duties or responsibilities pursuant to or by operation of law. Any reference to a section or provision of the Indiana Constitution or the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change in the Constitution or laws (a) shall alter the obligation to pay the Bond service charges in the amounts and manner, at the times, and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted or (b) shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement or the Indenture.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof", "hereby", "hereto", "hereunder", and similar terms, mean this Bond Legislation and the Indenture.

Section 2. Determinations of Legislative Authority.
The Legislative Authority hereby determines:

- (a) That the real and personal property to be acquired by the Company by purchase, construction, installation and equipment, through a loan of the proceeds of the Bonds, is now and after improvement will be useful to

the Project and Project Site (consisting generally of a commercial facility), and the utilization of such property in the creation and location of the Project is economically sound; and

- (b) that the Project is an "economic development facility" as that term is defined in Section 36-7-12-2 of the Act, complies with the purposes of the Act and will be of benefit to the health and welfare of the Issuer by creating jobs and employment opportunities and promoting the economic development of the Issuer.

Section 3. Authorization and Terms of Project Bonds.
It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, \$2,365,000 aggregate principal amount of Project Bonds for the purpose of making a loan to assist the Company in the financing of costs of acquiring, constructing, installing and equipping the Project and the Project Site to be owned by the Company and used by the Company for the Project Purposes, including costs incidental thereto and to the financing thereof. Said Project Bonds shall be designated "Economic Development First Mortgage Revenue Bonds (Health Care Fund Project)". The Issuer may also issue, sell and deliver Additional Bonds on a parity with the Project Bonds for the purposes and in the manner provided in Section 8 of this Bond Legislation.

The Project Bonds shall initially be issued in coupon form and shall be exchangeable for registered or coupon Bonds in the manner and on the terms provided in the Indenture. Project Bonds in coupon form shall be in the denomination of \$5,000 each, shall be registrable as to principal, shall be dated as of April 1, 1983 and shall be numbered from 1 upwards.

The Project Bonds shall bear interest from their respective dates at the rates per annum indicated in the schedule below, payable semiannually on April 1 and September 1 of each year, commencing September 1, 1983. The Project Bonds shall mature in accordance with the schedule below.

In the event the Company exercises its option to prepay the Loan as provided in Section 8.2 of the Agreement, the Project Bonds are subject to extraordinary optional redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 100% of the principal amount thereof plus accrued interest to the redemption date. Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall exercise its option to prepay the Loan pursuant to Section 8.2 of the Agreement and shall concurrently prepay the Note (or, as provided in said Section 8.4, selection of a prepayment date by the Trustee), shall constitute the direction from the Issuer to the Trustee to call all the then outstanding Project Bonds for extraordinary optional redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

In the event that the Lessee exercises its option to purchase the Project (excluding any assumption, but including any installment purchase in connection with any assumption) as provided in the Lease, the Project Bonds are subject to special mandatory redemption at prepayment prices determined in accordance with the optional redemption price table hereinafter set forth, plus in each case accrued interest to the date of redemption; provided, however, that if the Lessee makes an installment purchase, such redemption shall be made only to the extent that the partial payment of the installment purchase

price exceeds the amount of the funds contributed to the Project or to costs of the issuance of the Project Bonds by the Company from sources other than the Loan.

The Project Bonds are also subject to special mandatory redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 100% of the principal amount thereof plus accrued interest to the redemption date if and when (i) the Agreement shall have become void or unenforceable or impossible of performance in accordance with the intent and purpose of the parties as expressed in the Agreement by reason of any changes in the Constitution of the State or the Constitution of the United States of America or by reason of legislative or administrative action (whether state or Federal) or any final decree, judgment or order of any court or administrative body (whether state or Federal) entered after the contest thereof by the Issuer or the Company in good faith to such extent that the Note and the obligations evidenced thereby are no longer enforceable by the holder thereof, or (ii) interest on the Project Bonds shall have become subject to Federal income tax because of a Determination of Taxability which is unrelated to any default by the Company under Section 6.8 of the Agreement. In the event that interest on the Project Bonds becomes subject to Federal income tax because of a Determination of Taxability as a result of a default by the Company under Section 6.8 of the Agreement, the Project Bonds shall be subject to special mandatory redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 105% of the principal amount thereof plus accrued interest to the redemption date. The redemption price payable with respect to a redemption resulting from a Determination of Taxability shall be increased by an amount equal to 1-1/2% of the principal amount of all Project Bonds then outstanding for each six-month period, or any part thereof, from the date of the Event of Taxability to the date of redemption. With respect to Project Bonds not outstanding on the date of the Determination of Taxability, but which were outstanding on the date of the Event of Taxability, the redemption price shall be increased by an amount equal to 1-1/2% of the principal amount of each of such Project Bonds for each six-month period, or any part thereof, elapsed between the date of the Event of Taxability and the date that such Project Bond was paid or redeemed. Any such redemption shall be made not more than 180 days following the effective date of any such constitutional amendment, legislation, administrative action or final decree, judgment or order, or following the date of the Determination of Taxability (excluding any final determination that interest is subject to Federal income tax with respect to any Bond held by a "substantial user" of the Project or by a "related person" thereof, as those terms are used in Section 103(b)(13) of the Code). Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall prepay the Loan in full as required under Section 8.3 of the Agreement and shall concurrently prepay the Note, shall constitute the direction from the Issuer to the Trustee to call all the then outstanding Project Bonds for special mandatory redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

The Bonds maturing on April 1, 1998 are also subject to mandatory redemption by the Issuer, pursuant to the mandatory sinking fund requirements provided in Section 7 hereof, on each Mandatory Redemption Date at a price equal to 100% of the principal amount thereof plus accrued interest to the redemption date.

The Bonds are also subject to optional redemption in whole or in part by the Issuer at the direction of the Company at any time on or after April 1, 1988, upon not less than 30 nor more than 60 days' notice, at the redemption prices (expressed as percentages of the principal amounts thereof) set forth below, plus accrued interest to the redemption date:

Maturity Year	Principal Amount Maturing April 1	Interest Rates	Optional Redemption Price Commencing April 1 in Year Shown
1988	\$ 65,000	9.00%	103.0%
1989	70,000	9.50%	102.5%
1990	75,000	9.75%	102.0%
1991	85,000	10.00%	101.5%
1992	90,000	10.25%	101.0%
1993	100,000	10.50%	100.5%
1994	110,000	10.75%	100.0%
1995	125,000	11.00%	100.0%
1996	-0-	-	100.0%
1997	-0-	-	100.0%
1998	1,645,000	11.50%	100.0%

Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall exercise its option to prepay all or any portion (in amounts of \$5,000 or any integral multiple thereof) of the Loan Payments pursuant to Section 8.2 of the Agreement shall constitute the direction from the Issuer to the Trustee to call an equivalent principal amount of then outstanding Project Bonds for optional redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

If less than the entire unmatured portion of the Project Bonds shall be called for redemption at any time or from time to time (otherwise than pursuant to any mandatory sinking fund provisions hereof) they shall be called in inverse order of the maturities of the Project Bonds at the time outstanding; and if less than all of the Project Bonds outstanding of one maturity are to be called, the selection of such Project Bonds or portions of fully registered Project Bonds of such maturity to be called shall be made by lot by the Trustee in such manner as the Trustee may determine.

Notice of the call for any redemption of Project Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Project Bonds (in amounts of \$5,000 or any integral multiple thereof) the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by at least two publications in a newspaper or financial journal of general circulation published in the City and State of New York, the first such publication to be not less than thirty days prior to the redemption date, and, in the case of the redemption of Project Bonds at the time in coupon form registered as to principal (except to bearer) by mailing a copy of the redemption notice by first class mail at least thirty days prior to the date fixed for redemption to the registered owner of each such registered Project Bond to be redeemed at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice by mailing, or any defect in such notice, shall not affect the validity of

proceedings for the redemption of the Project Bonds. If all of the Project Bonds to be redeemed are at the time in coupon form registered as to principal (except to bearer) notice of the call for redemption may be given by mailing a copy of the redemption notice by registered or certified mail at least thirty days prior to the date fixed for redemption to the holder or holders thereof at the address shown on the registration books kept by the Trustee, and newspaper or financial journal publication of the notice of the call for redemption need not be given; provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Project Bonds. The holder or holders of Project Bonds may waive such notice in writing and in such event, no notice of any kind need be given with respect to the Project Bonds of such holder or holders to be so redeemed.

If, because of the temporary or permanent suspension of the publication or general circulation of the appropriate newspapers or financial journals, or for any other reason, it is impossible or impractical to publish such notice of call for redemption in the manner herein provided, then such publication in lieu thereof as shall be made with the approval of the Trustee shall constitute a sufficient publication of notice.

Bond service charges on Project Bonds in coupon form, other than principal or any redemption premium on such Bonds registered as to principal (except to bearer), shall be payable, without deduction for services as paying agent, at the corporate trust office of the Trustee. The principal of and any redemption premium on registered Project Bonds shall be payable at the corporate trust office of the Trustee.

The Project Bonds shall be executed by the Executive and Fiscal Officer of the Issuer, provided that either or both of such signatures may be facsimiles, and shall have the seal of the Issuer, or a facsimile thereof, impressed or reproduced thereon and the interest coupons attached thereto, in the case of coupon Project Bonds, shall bear the facsimile signature of the Fiscal Officer.

Section 4. Terms of all Bonds. All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Bond service charges on all Bonds shall be payable in lawful money of the United States of America. Subject to provisions of the applicable Bond Legislation, Bonds shall be issued as coupon Bonds registrable as to principal and may be exchanged as between forms, all as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

All bonds and coupons shall be executed in the manner provided in the Bond Legislation authorizing their issuance or in the manner provided by the applicable law in effect at the time of their issuance. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or coupons shall cease to be such officer before the issuance, authentication or delivery of such Bonds or coupons, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until that time.

Unless otherwise provided in the Bond Legislation authorizing the issuance of Additional Bonds, notice of call for redemption of all Bonds shall be given in the manner provided in Section 3 hereof for the notice of call for redemption of the Project Bonds. If Bonds are duly called for redemption and if on such redemption date moneys for the redemption of all the Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee or Paying Agents so as to be available therefor, then from and after such redemption date such Bonds shall cease to bear interest and any coupons for interest thereon maturing subsequent to the redemption date shall be void.

Section 5. Security Pledged for Bonds. As provided herein, the Bonds shall be equally and ratably payable solely from the Pledged Receipts and secured by a pledge of and lien on moneys deposited in the Construction Fund and Bond Fund and a pledge and assignment of other moneys constituting Pledged Receipts, and further secured by the Indenture and by the pledge and assignment of the Note and of all right, title and interest of the Issuer in, to and under the Mortgage and the Loan Agreement pursuant to the Assignment and the Indenture; and anything in the Bond Legislation, the Bonds or the Indenture to the contrary notwithstanding, neither the Bond Legislation, the Bonds, nor the Indenture shall constitute a debt or a pledge of the faith and credit of the Issuer or of any political subdivision thereof and the holders or owners of the Bonds shall have no right to have taxes levied by the State or by any political subdivision of the State for the payment of the principal of, premium, if any, or interest on the Bonds, but such Bonds are payable solely from the Pledged Receipts and the Bonds shall contain on the face thereof a statement to that effect; provided, however, that nothing herein shall be deemed to prohibit the Issuer, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Indenture, the Bond Legislation or any of the Bonds.

Section 6. Sale of Project Bonds and Allocation of Purchase Price. The Executive and Fiscal Officer are each hereby authorized and directed to offer for sale the Project Bonds to the Original Purchaser for purchase by the Original Purchaser at the price of 95% of the principal amount of the Project Bonds in accordance with the terms and provisions of this Bond Legislation, and to make the necessary arrangements on behalf of the Issuer with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Project Bonds to the Original Purchaser. The Executive and Fiscal Officer further are hereby authorized and directed to take all steps necessary to effect due authentication, delivery and security of the Project Bonds under the terms of this Bond Legislation and the Indenture, and it is hereby determined that the aforesaid purchase price and the interest rate for the Project Bonds and the manner of sale, as provided in this Bond Legislation, are in the best interest of the Issuer and consistent with all legal requirements. The Fiscal Officer shall cause to be furnished to the Original Purchaser a true transcript of proceedings had with reference to the issuance of the Project Bonds, certified by such Fiscal Officer, along with such information from such Fiscal Officer's records as is necessary to determine the regularity and validity of the issuance of said Bonds.

At the time of issuance, delivery of and payment for the Project Bonds, the Bond Fund Payment, plus capitalized interest, if any, shall be deposited from the purchase price for the Project Bonds into the Bond Fund.

There is hereby created by the Issuer and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to be designated "City of Fort Wayne - Health Care Fund Construction Fund" (herein called the "Construction Fund"). After deducting the Bond Fund Payment required by the preceding paragraph to be paid otherwise than to the Construction Fund, the balance of the proceeds of the Project Bonds shall be deposited in the Construction Fund as the Loan to the Company provided for in the Agreement. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement. The Issuer covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the holders of the Project Bonds, but only to the extent of their interest therein.

Section 7. Source of Payment - Bond Fund. As provided in the Agreement, Loan Payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund. Under the provisions of the Agreement, payments with respect to the Note received by the Trustee shall be deposited into the Bond Fund for the account of the Issuer and shall constitute Loan Payments.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Health Care Fund Revenue Bond Fund" (herein called the "Bond Fund"). The Bond Fund (and accounts therein provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, all as provided herein and in the Indenture and the Agreement, provided that no part thereof (other than any amounts paid as and for any mandatory sinking fund requirements, and except as may otherwise be provided for herein and in the Indenture or the Agreement) shall be used to redeem, prior to maturity, any Bonds.

Anything contained in the preceding paragraph to the contrary notwithstanding, moneys paid into the Bond Fund pursuant to the provisions of Section 2.10 of the Agreement relating to Project Bonds which were not outstanding on the date of a Determination of Taxability, but which were outstanding on the date of an Event of Taxability, shall be used solely for payment as follows: In the event any person who was a Bondholder at the time of an Event of Taxability shall present to the Trustee written proof satisfactory to the Trustee that he was a holder of such Project Bond at such time, but that such Project Bond matured or was redeemed prior to a Determination of Taxability, he shall be entitled to, and the Trustee shall pay to him from such moneys an amount equal to 1-1/2% of the principal amount of such Bond for each six-month period or part thereof elapsed between the date of the Event of Taxability and the date such Bond matured or was redeemed.

On or before each date when Bond service charges are due and payable, the Trustee shall transmit from moneys in the Bond Fund applicable thereto to any other Paying Agents, as appropriate, amounts sufficient to meet payments to be made by them of Bond service charges to be then due and payable; provided that to the extent that the amount needed by any other Paying Agent is not sufficiently predictable, the Trustee may make such credit arrangements with such Paying Agent so as to permit meeting such payments.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Agreement, to appropriate accounts therein), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Indenture or the Agreement to be deposited in the Construction Fund or any other separate insurance or condemnation proceeds account.

As and for the mandatory sinking fund requirements for the retirement, by mandatory redemption pursuant to Section 3 hereof, of the Project Bonds, the aggregate of the Loan Payments specified in Section 2.1 of the Agreement which is to be deposited in the Bond Fund, on or before each Loan Payment Date (as defined in the Agreement) shall include amounts sufficient to redeem (less the amount of any credit as provided in the next following paragraph) on each corresponding Mandatory Redemption Date the principal amount of Project Bonds set opposite the appropriate year as follows:

\$1,645,000 Term Bonds maturing April 1, 1998

Year	Mandatory Sinking Fund Requirement	Stated Maturity
1996	\$135,000	
1997	155,000	
1998		\$1,355,000

For the purpose of effecting said mandatory redemption the Trustee, on behalf of the Issuer and without necessity for further action by the Issuer or the Company, shall cause to be redeemed, in the manner provided in Section 3 hereof, on each Mandatory Redemption Date such aggregate principal amount of the Project Bonds as equals the mandatory sinking fund requirements as provided for above in this Section 7 for the applicable Mandatory Redemption Date. Project Bonds called for redemption pursuant to the mandatory sinking fund redemption provisions hereof shall be called by lot in such manner as may be determined by the Trustee.

At its option, to be exercised on or before the forty-fifth day preceding any Mandatory Redemption Date, the Issuer, or the Company on behalf of the Issuer, may (a) deliver to the Trustee for cancellation Project Bonds in any aggregate principal amount, with, if coupon Bonds, all unmatured coupons attached, or (b) receive a credit against the current mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the Issuer under the preceding paragraph for any Project Bonds which prior to such date have been redeemed (other than through the operation of the mandatory sinking fund requirements provided for in this Section) or purchased for cancellation and cancelled by the Trustee and not theretofore applied as a credit against any mandatory sinking fund requirement (and corresponding mandatory redemption obligation) under said preceding paragraph. Each Project Bond so delivered or previously redeemed or purchased

for cancellation shall be credited by the Trustee at 100% of the principal amount thereof against the respective mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the Issuer on such Mandatory Redemption Date, and any excess of such amount shall be credited against future mandatory sinking fund requirements (and corresponding mandatory redemption obligations) in chronological order. The Issuer, or the Company on behalf of the Issuer, will on or before the forty-fifth day preceding each Mandatory Redemption Date furnish the Trustee with a certificate, signed by the Fiscal Officer, or by the Authorized Company Representative (as defined in the Agreement), stating the extent to which the provisions of (a) and (b) of the first sentence of this paragraph are to be availed of with respect to such mandatory sinking fund requirement (and corresponding mandatory redemption obligation) for such Mandatory Redemption Date; unless such certificate is so timely furnished to the Trustee, the Trustee shall not be required to reduce such requirement and obligation provided for in the preceding paragraph.

The Issuer hereby covenants and agrees that so long as any of the Bonds are outstanding it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond service charges as the same become due and payable, and to this end the Issuer covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholders to protect fully the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 8. Additional Bonds. At the request of the Company if the Company is not then in default under the Agreement, the Issuer, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act, shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for: (i) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (ii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the Project Site, or to be used in connection with other facilities located within the boundaries of the Issuer which are owned in whole or in part by the Company, or any combination thereof, or (iii) refunding the Project Bonds or any one or more series of Additional Bonds, or (iv) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall be used solely to pay permissible costs under the Act, and provided further that no Additional Bonds may be issued unless the Company shall first provide to the Trustee and the Original

Purchaser a certification by an independent certified public accountant to the effect that the gross income (defined as net income plus fixed charges) of the Company for a 12-month period ending on the calendar quarter immediately prior to the proposed date of issuance of such Additional Bonds and for the 12-month period ended as of the same calendar quarter of the preceding year was at least one and two-tenths (1.2) times the fixed charges of the Company for such period after adjusting the fixed charges of the Company as if such Additional Bonds had been outstanding in said two 12-month periods. Such Additional Bonds shall be on a parity with the Project Bonds and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then to be outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds.

Section 9. Covenants of Issuer. In addition to other covenants of the Issuer in this Bond Legislation and the Indenture contained, the Issuer further covenants and agrees as follows:

(a) **Payment of Bond Service Charges.** The Issuer will, solely from Pledged Receipts, pay or cause to be paid the Bond service charges on each and all Bonds on the dates, at the places and in the manner provided herein, in the applicable Bond Legislation and in the Bonds and coupons.

(b) **Performance of Covenants, Authority and Actions.** The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, the Indenture and in any and every Bond executed, authenticated and delivered under the Indenture, and in all proceedings of the Issuer pertaining to the Bonds, the Indenture or the Agreement. The Issuer warrants and covenants that it is, and upon delivery of the Project Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Project Bonds and to execute the Indenture and the Agreement, to provide the security for payment of the Bond service charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Project Bonds and execution and delivery of the Indenture and the Agreement have been or will be duly and effectively taken; and that the Project Bonds and the coupons pertaining thereto in the hands of the holders thereof will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, Agreement and Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision; and each duty of the Issuer and of its officers undertaken pursuant to such proceedings for the Bonds is established as a duty of the Issuer and of each such officer having authority to perform such duty.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture and Agreement, the Issuer will not create or suffer to be created any debt, lien or charge thereon, or make any pledge or assignment of or create any debt, lien or charge thereon, or make any pledge or assignment of or create any lien or encumbrance upon the Pledged Receipts, including the moneys in the Bond Fund and Construction Fund, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cause (to the extent required by the laws of the State to perfect such instruments and/or the lien created thereby) the Mortgage and the Assignment, and any amendments or supplements to any of them, and all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by it to secure the Bonds, to be recorded and filed in such manner and in such places and to the extent required by law in order to fully preserve and protect the security of the holders of the Bonds and the rights of the Trustee under the Indenture.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or the Pledged Receipts shall at all times be open to inspection by such accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) List of Bondholders. To the extent that such information shall be made known to the Issuer under the terms of this paragraph, the Issuer will keep or arrange to have kept on file at the corporate trust office of the Trustee a list of names and addresses of the last known holders of Bonds payable to bearer. Any Bondholder may in a writing addressed to the Issuer or Trustee request that his name and address be placed on said list, which request shall include a statement of the principal amount of Bonds held by such holder and shall identify, by number and series designation, such Bonds. Neither the Issuer nor the Trustee shall be under any responsibility with regard to the accuracy of said list. At reasonable times and under reasonable regulations established by the Trustee, said list may be inspected and copied by the Company, or by the holders (or a designated representative thereof) of twenty-five percent or more in principal amount of Bonds then outstanding, such holding and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

(g) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholders, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, Note and Mortgage, whether or not the Issuer has pursued or attempted to enforce such rights and obligations.

(h) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

(i) Arbitrage Provisions. The Issuer will restrict the use of the proceeds of the Project Bonds in such manner and to such extent, if any, as may be necessary, after taking into

account reasonable expectations at the time the Project Bonds are delivered to the Original Purchaser, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Code. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Project Bonds, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Legislative Authority, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Project Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c), of the Code.

Section 10. Investment of Bond Fund and Construction Fund. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any orders of the Authorized Company Representative (as defined in the Agreement) with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the holder at the times and in the amounts necessary to provide moneys hereunder to pay Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the holder at such time as may be necessary to make timely payments from said Fund. In the absence of timely direction by the Authorized Company Representative, the Trustee is authorized to make such investments as it deems in the best interests of the Company. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purpose of paying Bond service charges when due as aforesaid, and shall do so without necessity for any order on behalf of the Issuer and without restriction by reason of any such order. An investment made from moneys credited to the Bond Fund or the Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income from such investment. For purposes of the Indenture and this Bond Legislation, such investments shall be valued at face amount or market value, whichever is less. The covenant contained in Section 4.5 of the Agreement shall apply to investments of moneys in the Bond Fund and Construction Fund.

Section 11. Indenture, Agreement and Assignment. In order better to secure the payment of the Bond service charges as the same shall become due and payable, the Executive and Fiscal Officer of the Legislative Authority are hereby authorized and directed to execute, acknowledge and deliver the Indenture, Agreement and Assignment in substantially the forms submitted to the Issuer, and to endorse upon the Note the assignment thereof to the Trustee, which instruments are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same. The approval of such changes by said officers, and their determination that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Indenture, the Agreement and the Assignment respectively, and by endorsement of the Note, by such officers.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of said Indenture, including, without limitation thereto, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 12. Other Documents. The Executive or the Fiscal Officer, or both, are hereby further authorized and directed to execute financing statements, other assignments and any other instruments as are, in the opinion of the bond counsel to the Issuer, necessary to perfect the pledges set forth in the Indenture and to consummate the transactions provided for in the Indenture and Agreement. The Executive and Fiscal Officer are also authorized to execute on behalf of the Issuer an Official Statement with respect to the Project Bonds, if the Original Purchaser shall so request.

Section 13. Election by Issuer. The Issuer hereby elects, with respect to the Project Bonds, to be within the limitations imposed by the provisions of Section 103(b)(6)(D) of the Code and the Executive or Fiscal Officer is hereby authorized and directed to perform any and all acts and provide such information as may be required by the Secretary of the Treasury, his delegate or the Internal Revenue Service in order to implement such election, and any and all acts heretofore taken pertaining to such election and relating to such requirements are hereby ratified and confirmed.

Section 14. Temporary Project Bonds. Pending the preparation of definitive Project Bonds, the Issuer may execute and the Trustee shall authenticate and deliver temporary Project Bonds in printed or typewritten form. Temporary Project Bonds shall be issuable in fully registered form, without coupons, of any denomination, and substantially in the form of the definitive Project Bonds but with such omissions, insertions and variations as may be appropriate for temporary Project Bonds, all as may be determined by the Fiscal Officer. His execution of any such temporary Project Bonds to be conclusive evidence of his determinations as aforesaid. Every temporary Project Bond shall be executed on behalf of the Issuer, and be authenticated by the Trustee upon the same conditions and in substantially the same manner, and with like effect, as the definitive Project Bonds. If one or more temporary Project Bonds are issued, then without unnecessary delay the Issuer shall execute and furnish definitive Project Bonds and thereupon temporary Project Bonds may be surrendered to the Trustee in exchange therefor without charge, and the Trustee shall authenticate and deliver in exchange for such temporary Project Bonds an equal aggregate principal amount of definitive Project Bonds. Until so exchanged the temporary Project Bonds shall be entitled to the same benefits under the Indenture as definitive Project Bonds.

Section 15. Compliance with Open Meetings Laws. It is hereby found and determined that all official actions of this Common Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Common Council and that all deliberations of this Common Council and of any of its committees, if any, that resulted in such official action were taken in meetings open to the public, in full compliance with applicable legal requirements, including I.C. 5-14-1.5-7.

Section 16. Special Authorization. The law firm of Taft, Stettinius & Hollister, Cincinnati, Ohio, is authorized to execute and deliver, as the agent of the Issuer, Internal

Revenue Service Form 8038 (Information Return for Private Activity Bond Issues), such Form to be delivered at such time and in such manner as the Issuer and such bond counsel deem appropriate.

Section 17. Effective Date. This Bond Legislation shall take effect and be in force from and after its passage and signing by the Mayor.

Mark E. GiaQuinta
COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schimidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-63-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

SPECIAL ORDINANCE NO. S- 64-83

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,090,000 PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS (PARKLAKE PROFESSIONAL CENTER PROJECTS), OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO VARIOUS BORROWERS TO FINANCE THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF COMMERCIAL FACILITIES LOCATED WITHIN THE CITY OF FORT WAYNE, INDIANA; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING LOAN AGREEMENTS, ASSIGNMENTS, AND AN INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 18, Article 6, Chapter 4.5, as recodified and amended at I.C. 36-7-12, is authorized and empowered among other things (a) to make loans to assist in the financing of the acquisition, construction and installation of economic development facilities within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loans and (c) to enact this Bond Legislation and execute and deliver the agreements and instruments hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction and installation of the Projects, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, commercial and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Projects through the issuance of revenue bonds in the maximum aggregate principal amount of \$1,090,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 18, Article 6, Chapter 4.5, as

recodified and amended at I.C. 36-7-23;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana, as follows:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization, or which are otherwise defined terms under the Agreements, as hereinafter defined, shall have the meanings assigned to them in the Agreements.

"Act" means Indiana Code, Title 18, Article 6, Chapter 4.5, recodified and amended at I.C. 36-7-12 and amendments and supplements thereto such as are hereafter adopted.

"Agreements" or "Loan Agreements" means the Loan Agreements to be dated as of April 1, 1983 and to be entered into between the Issuer and the respective Borrowers, and any permitted amendments or supplements thereto, and "Agreement" or "Loan Agreement" means any one of such Loan Agreements.

"Bank" means Anthony Wayne Bank, an Indiana banking corporation, and its successors and assigns.

"Bonds" means the Bonds to be issued pursuant to Section 3 hereof, including each series thereof.

"Bond Counsel" means an attorney-at-law (other than an employee of any Borrower), or a firm of such attorneys, satisfactory to the Trustee and nationally recognized as experienced in matters relating to the tax exemption of interest on bonds of states and political subdivisions.

"Bond Fund" means, with respect to each series of

Bonds, the Bond principal, premium and interest fund created by Section 7 hereof.

"Bondholder" or "holder" or "holder of Bonds" means any person who is the bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer, or the person in whose name a registered Bond is registered, and "holder" when used with reference to a coupon means the bearer of the coupon.

"Bond Legislation" means this Ordinance, as the same may from time to time be lawfully amended, modified or supplemented.

"Bond Service Charges" for any time period with respect to any series of Bonds means the principal, including any amortization or mandatory sinking fund requirements, interest, and redemption premium, if any, required to be paid by the Issuer on such series of Bonds for such time period. Any "late charge" and any payment required to be made on Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"Borrower" means:

As to the Series A Bonds, Joseph Paul Fiacable and Dolores Ann Fiacable, jointly and severally.

As to the Series B Bonds, M & A Partnership, an Indiana partnership.

As to the Series C Bonds, Philip J. Johnson and Jeanine M. Johnson, jointly and severally.

As to the Series D Bonds, Arvind K. Patel.

As to the Series E Bonds, Thana Smithivas and Claudia Cabaluna, jointly and severally.

As to the Series F Bonds, James A. Arata and Thomas E. Simonsen, jointly and severally.

As to the Series G Bonds, Donald R. Keltsch and Maurice C. Keltsch, jointly and severally.

"Business Day" or "business day" means any day other than a Saturday, Sunday, holiday or other day on which banks located in Indiana are authorized or required to remain closed.

"Code" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"Construction Fund" means, with respect to each series of Bonds, the fund created by Section 6 hereof.

"coupon" means any of the coupons issued hereunder evidencing installments of interest on a coupon Bond.

"coupon Bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Determination of Taxability" means, with respect to any series of Bonds, (i) the filing by the respective Borrower or any other person or entity with the Internal Revenue Service of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations Section 1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability with respect to such series has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on such series of Bonds is includable in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the respective Project or a "related person", as those terms are used in Section 103 of the Code), or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on such series of Bonds to be included in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a

1 "substantial user" of the respective Project of a "related
2 person" as those terms are used in Section 103 of the Code).
3 For purposes of clause (ii) in the preceding sentence, an
4 assertion by the Internal Revenue Service or any agent thereof
5 shall be considered final when the Bondholder, the Issuer and
6 the respective Borrower shall have received an opinion of
7 nationally recognized bond counsel to the effect that such
8 assertion is correct, and for purposes of clause (iii) in the
9 preceding sentence, a decision, decree or ruling by any judi-
10 cial or administrative authority shall be considered final upon
11 the expiration or waiver of all periods for judicial review or
12 appeal, as the case may be.

13 "Eligible Investments" means (i) any bonds or other
14 direct obligations of, or fully guaranteed as to payment on a
15 timely basis by, the United States of America; (ii) obligations
16 of the Federal National Mortgage Association or the Government
17 National Mortgage Association; (iii) obligations of the Federal
18 Intermediate Credit Banks; (iv) obligations of Federal Banks
19 for Cooperatives; (v) obligations of Federal Land Banks; (vi)
20 obligations of the Federal Financing Bank; (vii) bank
21 repurchase agreements issued by a Federal Reserve member bank,
22 including the Bank and the Trustee, fully secured by obliga-
23 tions of any of the kinds specified in clauses (i) through (vi)
24 above; (viii) time deposits, certificates of deposit, bank
25 reverse repurchase agreements or bankers acceptances of banks
26 or trust companies, including the Bank and the Trustee, orga-
27 nized under the laws of the United States of America or any
28 state thereof, which have combined capital and earned and
29 unearned surplus of at least \$25,000,000 in dollars of the
30 United States of America; (ix) commercial paper or finance com-
31 pany paper which is rated in the highest rating category by a
32 Rating Agency; (x) obligations, of any state of the United

1 States of America or of any political subdivision or other
2 instrumentality of any such state, which are rated in the
3 highest rating category by a Rating Agency; or (xi) interests
4 in any money market fund or trust the investments of which are
5 restricted exclusively to obligations of any of the kinds spe-
6 cified in clauses (i) through (x) above.

7 "Event of Taxability" means, with respect to any
8 series of Bonds, the occurrence of circumstances which a
9 Determination of Taxability shall have found to have occurred
10 or which shall constitute a Determination of Taxability, and
11 which results in the interest payable on such series of Bonds
12 becoming includable in the gross income for Federal income tax
13 purposes of any Bondholder (other than a Bondholder who is a

14 "substantial user" of the respective Project or a "related
15 person" as those terms are used in Section 103 of the Code),
16 such occurrence of circumstances relating to a specific point
17 in time.

18 "Executive" means the Mayor of the Issuer.

19 "Indenture" means the Trust Indenture dated as of
20 April 1, 1983, between the Issuer and the Trustee, including
21 this Bond Legislation as a part thereof, and any permitted
22 amendments or supplements thereto.

23 "Interest Payment Date" or "interest payment date"
24 means the 1st day of each April and October, commencing October
25 1, 1983.

26 "Interest Rate for Advances" means 21% per annum.

27 "Interest Authority" means the Common Council of the
28 Issuer.

29 "Letter of Credit" means, with respect to any series
30 of Bonds, the irrevocable Letter of Credit to be dated no later
31 than the date of issuance and delivery of such series of Bonds,
32 from the Bank in favor of the Trustee, issued at the request of

1 and for the account of the respective Borrower and securing the
2 payment of principal of and seven months of interest on such
3 series of Bonds, as the same may from time to time be trans-
4 ferred, assigned, or re-issued in accordance with its terms.

5 "Mandatory sinking fund requirements" means, with
6 respect to any series of Bonds, amounts required by the Bond
7 Legislation to be deposited in the Bond Fund for the purpose of
8 retiring, on a specified date, principal maturities of Bonds of
9 such series which by their terms are due and payable, if not
10 called for prior redemption, at a subsequent date.

11 "Mortgages" means the Mortgage and Security Agreements
12 to be dated as of April 1, 1983 and to be granted on the
13 respective Projects by the respective Borrowers to the Trustee,
14 as security for the payment of the respective Notes and Bonds,
15 and any permitted amendments or supplements thereof, and

16 "Mortgage" means any one of such Mortgages.

17 "Notes" means the Promissory Notes to be executed and
18 delivered by the respective Borrowers pursuant to the respective
19 Agreements, and any permitted amendments or supplements thereto,
20 and "Note" means any one of such Notes.

21 "Note Payments" means, with respect to any Note, any and
22 all payments of principal of and interest and prepayment premiums,
23 if any, on such Note.

24 "Notice Address" means:

25 With respect to the Issuer, One Main Street, Fort Wayne,
26 Indiana 46802; Attention: Mayor.

27 With respect to the Trustee, Anthony Wayne Bank, 203 E.
28 Berry Street, Fort Wayne, Indiana 46802; Attention: Corporate
29 Trust Department.

30 With respect to the Bank, Anthony Wayne Bank, 203 E.
31 Berry Street, Fort Wayne, Indiana 46802; Attention: Mortgage Loan
32 Department.

1 With respect to the respective Borrowers, as follows:
2 If to Joseph Paul Fiacable and Dolores Ann Fiacable, at
3 2426 Lake Avenue, Fort Wayne, Indiana 46805.
4 If to M & A Partnership, 2456 Lake Avenue, Fort Wayne,
5 Indiana 46805.

6 If to Philip J. Johnson and Jeanine M. Johnson, 2413
7 Lake Avenue, Fort Wayne, Indiana 46805.

8 If to Arvind K. Patel, 2422 Lake Avenue, Fort Wayne,
9 Indiana 46805.

10 If to Thana Smithivas and Claudia Cabaluna, 2460 Lake
11 Avenue, Fort Wayne, Indiana 46805.

12 If to James A. Arata and Thomas E. Simonsen, 2466 Lake
13 Avenue, Fort Wayne, Indiana 46805.

14 If to Donald R. Keltsch and Maurice C. Keltsch, 2464 Lake
15 Avenue, Fort Wayne, Indiana 46805.

16 "Original Purchaser" means The Cincinnati Insurance
17 Company, an Ohio corporation.

18 "Outstanding Bonds" or "Bonds outstanding" or

19 "outstanding" as applied to any series of Bonds, means, as of any
20 date, all Bonds of such series which have been authenticated and
21 delivered, or are then being delivered, by the Trustee under the
22 Indenture except:

23 (a) Bonds surrendered and replaced upon exchange or
24 transfer, or cancelled because of payment or
25 redemption, at or prior to such date;

26 (b) Bonds or portions of Bonds which are deemed to
27 have been paid and discharged pursuant to the
28 provisions of Section 9.02 of the Indenture;
29 provided that if such Bonds are to be redeemed
30 prior to the maturity thereof, other than by
31 scheduled amortization, notice of such redemption
32 shall have been given or arrangements satisfactory

1 to the Trustee shall have been made therefor,
 2 or waiver of such notice satisfactory in form
 3 to the Trustee shall have been filed with the
 4 Trustee; and
 5 (c) Bonds in lieu of which others have been
 6 authenticated (or payment, when due, of
 7 which is made without replacement) under
 8 Section 2.05 of the Indenture;
 9 and also except that

10 (d) For the purpose of determining whether the
 11 holders of the requisite principal amount of
 12 Bonds have made or concurred in any notice,
 13 request, demand, direction, consent, approval,
 14 order, waiver, acceptance, appointment or other
 15 instrument or communication under or pursuant
 16 to this Indenture, Bonds owned by or for the
 17 account of the respective Borrower or any
 18 person owned, controlled by, under common
 19 control with or controlling the respective
 20 Borrower shall be disregarded and deemed to be
 21 not outstanding. The term "control" (including
 22 the terms "controlling", "controlled by" and
 23 "under common control with") means the possession,
 24 directly or indirectly, of the power to direct
 25 or cause the direction of the management and
 26 policies of a person, whether through the
 27 ownership of voting securities, by contract, or
 28 otherwise. Beneficial ownership of 5% or more
 29 of general voting power or of a class of
 30 securities having general voting power shall
 31 be conclusive evidence of control.
 32 "Paying Agent" or "paying agent" means the Trustee.

1 The term "Payment in Full of the Bonds" means, with
 2 respect to any series of Bonds, the first date when there are
 3 no longer any Bonds of such series deemed to be outstanding
 4 pursuant to Section 8.02 of the Indenture.

5 "person" means natural persons, firms, associations,
 6 corporations and public bodies.

7 "Pledged Receipts" means, with respect to each series
 8 of Bonds, (a) the respective Note Payments, (b) subject to the
 9 provisions of Sections 3.04, 4.02 and 8.02 of the Indenture
 10 with respect to the Trustee holding moneys for the benefit of
 11 the holders of particular Bonds, all other moneys received by
 12 the Issuer, or the Trustee for the account of the Issuer, in
 13 respect of the respective Agreement or the respective Project,
 14 except certain expense, reimbursement and indemnity payments
 15 which are, pursuant to the provisions of the respective
 16 Agreement, to be made by the respective Borrower directly to
 17 the Issuer, (c) any moneys on deposit in the respective
 18 Construction Fund or the respective Bond Fund, and (d) the
 19 income and profit from the investment of any moneys while held
 20 in the respective Construction Fund or the respective Bond
 21 Fund.

22 "Projects" means the real, personal, or real and per-
 23 sonal property, including undivided interests or other
 24 interests therein, identified in Exhibit A to the respective
 25 Agreements, or acquired, constructed or installed as a replace-
 26 ment or substitution therefor or an addition thereto, and
 27 "Project" means any one of such Projects.

28 "Project Site" means, with respect to any Project, the
 29 real estate and interests in real estate constituting the site
 30 of and part of such Project, as described in Exhibit B to the
 31 respective Agreement.

32 "registered Bonds" means Bonds registered in the name

of the holder, including coupon Bonds registered as to principal (except to bearer) and fully registered Bonds; and "fully registered Bonds" means Bonds without coupons registered as to both principal and interest.

"Reimbursement Agreements" means the Reimbursement Agreements to be dated as of April 1, 1983, and to be entered into between the respective Borrowers and the Bank relating to repayment by the respective Borrowers of moneys drawn under the respective Letters of Credit.

"Second Mortgages" means the Mortgage and Security Agreements to be dated as of April 1, 1983 and to be granted on the respective Projects by the respective Borrowers to the Bank, as security for the obligations of the respective Borrowers under the respective Reimbursement Agreements, and any permitted amendments or supplements thereto, and "Mortgage" means any one of such Second Mortgages.

"State" means the State of Indiana.

"Taxable Rate of Interest" means 21% per annum.

"Trustee" means the Trustee at the time acting as such under the Indenture, originally Anthony Wayne Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided,

however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer, the Trustee, the Bondholders, any Borrower or the Bank under the Agreements, this Bond Legislation, the Notes, the Mortgages, the Indenture or any other document executed in connection with the transactions contemplated hereby.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "herein", "hereof", "hereby", "hereto", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion thereof in which any such word is used.

Section 2. Determinations of Issuing Authority.

Pursuant to the Act, the Issuing Authority hereby finds and determines that the Projects constitute "economic development facilities", as defined in the Act, and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. Authorization of Bonds. It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, Bonds in the maximum aggregate principal amount of \$1,090,000 for the purpose of financing costs of acquiring, constructing and installing the Projects, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Agreements. The Bonds shall be designated "Economic Development Revenue Bonds (Parklake Professional Center Projects)", with each series thereof also being designated by

reference to the letter of that particular series. The Bonds shall be issued in up to seven separate series, designated Series A through Series G. Each series shall for all purposes constitute a separate and distinct issue of Bonds, all series being issued pursuant to this Bond Legislation and the single Indenture for convenience purposes only. The Bond Service Charges on any series of Bonds shall be payable solely from the Pledged Receipts for that series, and the Mortgage securing any series of Bonds shall secure only that series. The Issuance of any series of Bonds is not conditioned on the issuance of any other series of Bonds, it being expressly understood that the failure to issue any one or more series of Bonds shall not affect the issuance of any other series of Bonds.

The principal amounts of the several series of Bonds shall be as follows: Series A, \$290,000; B, \$205,000; C, \$205,000; D, \$110,000; E, \$105,000; F, \$90,000; G, \$85,000.

Section 4. Terms of the Bonds. The Bonds of each series shall initially be issued in coupon or fully registered form as may be requested by the Original Purchaser thereof and shall be exchangeable for fully registered or coupon Bonds of such series in the manner and on the terms provided in the Indenture. Bonds in coupon form shall be in the denomination of \$5,000 each, shall be registrable as to principal, shall be numbered consecutively from 1 upwards within each series, and shall be dated as of the date of their initial delivery to the Original Purchaser. Bonds in fully registered form shall be in the denomination of \$5,000 and any integral multiple thereof, shall be numbered consecutively from R-1 upwards within each series, and shall be dated as of the date of the Bonds of such series in coupon form if authenticated prior to the first interest payment date, and otherwise shall be dated as of the interest payment date next preceding the date of their authentication, except that if authenticated on an interest payment date, they shall be dated as of such date of authentication; provided that if at the time of authentication interest thereon is in default, they shall be

dated as of the date to which interest has been paid.

The Bonds shall bear interest from their respective dates at a fixed rate of eleven and one-half percent (11-1/2%) per annum. Interest on the Bonds shall be payable semiannually on each interest payment date, calculated on a 360 day per year basis.

The Bonds shall mature on April 1, 2003.

The Bonds of each series are subject to mandatory sinking fund redemption on April 1, 1984, and on each April 1 thereafter, in the respective principal amounts set forth in the Mandatory Sinking Fund Redemption Schedule attached hereto as a part hereof as Exhibit A, at par, plus accrued interest to the redemption date.

The Trustee, on behalf of the Issuer and without further action by the Issuer or any Borrower, shall cause to be redeemed, from the Pledged Receipts therefor and in the manner provided herein, on each applicable April 1, the aggregate principal amount of Bonds of each series subject to mandatory sinking fund redemption on such date, as set forth in Exhibit A.

The Bonds of each series are subject to optional redemption prior to maturity, in whole or in part, on April 1, 1993, or on any Interest Payment Date thereafter, in the event of prepayment of the corresponding Note in full or in part by the respective Borrower as provided by the first paragraph of Section 6.1 of the respective Loan Agreement. The redemption date in any such event shall be the date set by such Borrower for prepayment of such Note in accordance with the provisions of such paragraph. The redemption price in any such event shall be equal to the following percentages of the principal amount redeemed, plus in each case accrued interest to the date fixed for redemption:

	<u>Redemption Date</u>	<u>Optional Redemption Price</u>
1		
2	April 1, 1993 or October 1, 1993	105-3/4%
3	April 1, 1994 or October 1, 1994	105-1/4%
4	April 1, 1995 or October 1, 1995	104-3/4%
5	April 1, 1996 or October 1, 1996	104-1/4%
6	April 1, 1997 or October 1, 1997	103-3/4%
7	April 1, 1998 or October 1, 1998	103-1/4%
8	April 1, 1999 or October 1, 1999	102-3/4%
9	April 1, 2000 or October 1, 2000	102-1/4%
10	April 1, 2001 or October 1, 2001	101-3/4%
11	April 1, 2002 or October 1, 2002	101-1/4%

12 The Bonds of each series are also subject to optional
13 redemption in whole in the event of the exercise by the respec-
14 tive Borrower of its option to prepay the corresponding Note in
15 full as provided by the fourth paragraph of Section 6.1 of the
16 respective Loan Agreement, at a redemption price of 100% of the
17 principal balance of such series of Bonds outstanding on the date
18 of redemption, plus accrued interest to the redemption date.

19 The Bonds of each series shall also be callable for
20 redemption in whole or in part, upon occurrence of any of the
21 circumstances which operate to require prepayment of the
22 corresponding Note in full or in part by the respective Borrower
23 in accordance with the provisions of the first and third
24 paragraphs of Section 6.2 of the respective Loan Agreement. The
25 redemption date in any of such events shall be the date set by
26 such Borrower, (or in default thereof, by the Trustee) for the
27 prepayment of such Note in whole or in part in accordance with
28 the provisions of such Loan Agreement. The redemption price in
29 any of such events shall be 100% of the principal amount of the
30 Bonds to be redeemed on the date of redemption, plus accrued
31 interest to the redemption date; provided that upon any call for
32 redemption of Bonds due to a Determination of Taxability, the
redemption price shall be increased by an amount equal to the
difference between (a)(i) the aggregate amount of interest which
would have been payable on the Bonds of such series if the
interest rate on such Bonds, commencing on the date of the Event

1 of Taxability, had been the Taxable Rate of Interest, plus (ii)
2 any penalties and interest payable by the Bondholders to any
3 taxing authority as a result of the loss of the tax-exempt status
4 of interest on such Bonds, plus (iii) all attorneys fees and
5 other costs incurred by the Bondholders in contesting or
6 resisting the loss of the tax-exempt status of interest on such
7 Bonds, and (b) the aggregate amount of interest actually paid on
8 the Bonds of such series to the redemption date.

9 Notice from the respective Borrower to the Trustee that
10 its Note is to be prepaid in whole or in part pursuant to the
11 respective Agreement shall constitute the direction of the Issuer
12 to the Trustee to call a portion or all, as the case may be, of
13 the corresponding series of Bonds, and no separate notice from
14 the Issuer to the Trustee shall be required.

15 When less than the entire unmatured portion of any
16 series of Bonds shall be called for redemption at any time or
17 from time to time, the Bonds or portions of fully registered
18 Bonds to be redeemed shall be selected by lot by the Trustee in
19 such manner as the Trustee may determine.

20 Notice of the call for any redemption of any series of
21 Bonds, identifying by designation, letters, numbers, or other
22 distinguishing marks, the Bonds (in amounts of \$5,000 or any
23 multiple thereof) or portions of fully registered Bonds to be
24 redeemed, the redemption price to be paid, the date fixed for
25 redemption and the place or places where the amounts due upon
26 such redemption are payable, shall be given by the Trustee on
27 behalf of the Issuer by at least two publications in a newspaper
28 or financial journal of general circulation in the City and State
29 of New York, the first such publication to be not less than
30 thirty days prior to the redemption date, and, in the case of the
31 redemption of Bonds at the time in the form of registered Bonds,
32 by mailing a copy of the redemption notice by first class mail at

1 least thirty days prior to the date fixed for redemption to the
 2 registered owner of each such registered Bond to be redeemed at
 3 the address shown on the registration books kept by the Trustee;
 4 provided, however, that failure to give such notice by mailing,
 5 or any defect in such notice, shall not affect the validity of
 6 any proceedings for the redemption of any other Bonds. If,
 7 because of the temporary or permanent suspension of the publica-
 8 tion or general circulation of the appropriate newspapers or
 9 financial journals or for any other reason, it is impossible or
 10 impractical to publish such notice of call for redemption in the
 11 manner herein provided, then such publication in lieu thereof as
 12 shall be made with the approval of the Trustee shall constitute a
 13 sufficient publication of notice. If all of the Bonds to be
 14 redeemed are at the time in the form of fully registered Bonds,
 15 notice of the call for redemption may be given by mailing a copy
 16 of the redemption notice by registered or certified mail at least
 17 thirty days prior to the date fixed for redemption to the holder
 18 or holders thereof at the address shown on the registration books
 19 kept by the Trustee and newspaper or financial journal publica-
 20 tion of the notice of the call for redemption need not be given;
 21 provided, however, that failure to give such notice to any
 22 Bondholder by mailing, or any defects in such notice to any
 23 Bondholder, shall not affect the validity of the proceedings for
 24 the redemption of any other Bonds. The holder or holders of
 25 Bonds may waive any notice of redemption in writing, and in such
 26 event, no notice of any kind need be given with respect to the
 27 Bonds of such holder or holders to be so redeemed.

28 Bond Service Charges on Bonds in coupon form, other than
 29 principal of or any redemption premium on such Bonds registered
 30 as to principal (except to bearer), shall be payable, without
 31 deduction for services as paying agent, at the corporate trust
 32 office of the Trustee.

1 Interest on fully registered Bonds shall be payable by
 2 check or draft drawn upon the Trustee and mailed or delivered to
 3 the Bondholder at its address as shown on the Bond registration
 4 books to be kept by the Trustee. Principal of and any redemption
 5 premium on any registered Bond shall be payable at the corporate
 6 trust office of the Trustee upon presentation and surrender of
 7 such Bond at such office.

8 All payments of Bond Service Charges shall be made in
 9 lawful money of the United States of America, without deduction
 10 for services as paying agent. If any Bond Service Charges are
 11 not paid when due, the Issuer shall also pay to the Trustee, for
 12 distribution to the Bondholders, a "late charge" equal to 4% of
 13 such Bond Service Charges to cover the extra expenses involved in
 14 handling delinquent payments. In addition, upon acceleration of
 15 the Bonds of any series, the amounts payable upon such accelera-
 16 tion, together with interest thereon at the Interest Rate for
 17 Advances from the date of acceleration, shall continue as an
 18 obligation of the Issuer until paid. Moneys received by the
 19 Trustee as "late charges" and interest at the Interest Rate for
 20 Advances shall be paid by the Trustee to the persons holding or
 21 formerly holding Bonds or coupons which were not paid principal,
 22 premium and/or interest at the time required herein. The fact
 23 and period of holding any Bond or coupon shall be determined as
 24 provided in Section 9.01 of the Indenture.

25 All Bonds shall be negotiable instruments within the
 26 meaning of Indiana Code, subject to applicable provisions for
 27 registration, and shall express on their faces the purpose for
 28 which they are issued and such other statements or legends as may
 29 be required by law.

30 If Bonds or portions of fully registered Bonds of any
 31 series are duly called for redemption and if on such redemption
 32 date moneys for the redemption of all the Bonds of such series to

1 be redeemed, together with accrued interest to the redemption
2 date, shall be held by the Trustee so as to be available there-
3 for, then from and after such redemption date such Bonds or por-
4 tions of fully registered Bonds shall cease to bear interest and
5 any coupons for interest thereon maturing subsequent to the
6 redemption date shall be void.

7 The Bonds shall be executed by the Executive and by the
8 Clerk of the Issuing Authority, provided that either or both of
9 such signatures may be facsimiles, and shall bear the seal of the
10 Issuer or a facsimile thereof. Coupons shall bear the manual or
11 facsimile signature of the Executive or the Clerk of the Issuing
12 Authority. In case any officer whose signature or a facsimile of
13 whose signature shall appear on any Bonds or coupons shall cease
14 to be such officer before the issuance, authentication or deli-
15 very of such Bonds or coupons, such signature or such facsimile
16 shall nevertheless be valid and sufficient for all purposes, the
17 same as if he had remained in office until that time.

18 Section 5. Security for the Bonds. Except as to the
19 Letter of Credit and the proceeds therefrom, as provided herein
20 the Bonds of each series shall be equally and ratably payable by
21 the Issuer solely from the Bond Fund and the Pledged Receipts for
22 such series and secured by a pledge of and lien on such Pledged
23 Receipts and Bond Fund, and shall be further secured by the
24 Indenture and the Mortgage securing such series. Anything in the
25 Bond Legislation, the Bonds or the Indenture to the contrary not-
26 withstanding, neither the Bond Legislation, the Bonds nor the
27 Indenture shall represent or constitute a general debt or pledge
28 of the faith and credit or the taxing power of the Issuer. The
29 Bonds are not in any respect a general obligation of the Issuer,
30 nor are they payable in any manner from revenues raised by taxa-
31 tion, and the Bonds shall contain on the face thereof a statement
32 to that effect. Nothing herein shall be deemed to prohibit the

1 Issuer, of its own volition, from using, to the extent it may be
2 lawfully authorized to do so, any other resources or revenues for
3 the fulfillment of any of the terms, conditions or obligations of
4 the Indenture, the Bond Legislation or any of the Bonds.

5 Section 6. Sale of Bonds and Allocation of Purchase
6 Prices; Construction Funds. The Bonds are hereby sold and
7 awarded to the Original Purchaser. The purchase price for each
8 series of Bonds shall be the original principal amount thereof.
9 The Executive and Clerk of the Issuing Authority are each hereby
10 authorized and directed to make the necessary arrangements on
11 behalf of the Issuer with the Original Purchaser to establish the
12 dates, locations, procedures and conditions for the delivery of
13 the Bonds to the Original Purchaser. The Executive and Clerk of
14 the Issuing Authority further are each hereby authorized and
15 directed to take all steps necessary to effect due authentication
16 and delivery of the Bonds under the terms of this Bond
17 Legislation and the Indenture. It is hereby determined that the
18 purchase prices and the terms of the Bonds and the manner of
19 sales, as provided in this Bond Legislation, are in the best
20 interest of the Issuer and consistent with all legal
21 requirements.

22 There is hereby created by the Issuer and ordered main-
23 tained, as a separate deposit account (except when invested as
24 hereinafter provided) in the custody of the Trustee, a trust fund
25 for each series of Bonds to be designated "City of Fort, Indiana
26 - Parklake Professional Center Projects Construction Fund" (the
27 "Construction Fund"). There shall be added to the designation of
28 each Construction Fund a reference to the series of Bonds for
29 which such Construction Fund was created. The purchase price for
30 each series of Bonds shall be deposited in the Construction Fund
31 therefor. Moneys in each Construction Fund shall be disbursed by
32 the Trustee in accordance with the provisions of Section 3.3 of

the corresponding Agreement, and the Trustee is hereby authorized and directed to make each disbursement required by the provisions of such Agreement.

The moneys to the credit of each Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the holders of the Bonds of the corresponding series, but only to the extent of their interest therein. Upon the occurrence and during the continuance of an Event of Default under the corresponding Agreement, moneys in such Construction Fund may be transferred by the Trustee to the Bond Fund for such series on or before the dates on which payments are required to be made therefrom.

Section 7. Source of Payment - Bond Funds. As provided

In each Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges on the corresponding series of Bonds as they become due, are to be paid by the respective Borrower directly to the Trustee for the account of the Issuer and deposited in the corresponding Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund for each series of Bonds to be designated "City of Fort Wayne, Indiana - Parklake Professional Center Projects Bond Fund" (the "Bond Fund"). There shall be added to the designation of each Bond Fund a reference to the series of Bonds for which such Bond Fund was created. Each Bond Fund is hereby pledged to and, except as otherwise provided herein or in the Mortgage or Indenture, shall be used solely for payment of Bond Service Charges on the series of Bonds for which such Bond Fund was created.

Except as otherwise provided in the Bond Legislation, Mortgage or Indenture, there shall be deposited into the Bond

Fund, as and when received, all Pledged Receipts for the series of Bonds for which such Bond Fund was created.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Funds Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreements and that, should there be an event of default under any Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholders to fully protect the rights and security of the Bondholders hereunder.

Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges for any series of Bonds any funds other than the Bond Fund and Construction Fund for such series or revenues from any source other than Pledged Receipts for such series. Furthermore, notwithstanding anything to the contrary herein, in the Indenture or in any other agreement or instrument whatsoever the Issuer shall have no rights whatsoever under any Letter of Credit and no obligation whatsoever with respect to the legality or enforceability of any Letter of Credit or with respect to the availability of moneys thereunder.

The Issuer covenants and agrees, whenever the moneys and investments in a Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the outstanding Bonds of the series to which such Fund is applicable, and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the respective Borrower or the Trustee, the necessary steps to redeem all of such Bonds on the next succeeding redemption date or dates for which the required

notice of call for redemption may be given.

Section 8. Covenants of Issuer. In addition to other covenants of the Issuer in the Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on all Bonds on the dates, at the places and in the manner provided herein and in the Bonds and coupons.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreements, the Indenture and in each Bond executed, authenticated and delivered under the Indenture, and in all proceedings of the Issuer pertaining to the Bonds, the Indenture or the Agreements. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Agreements and the assignments of the Notes, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds and execution and delivery of the Indenture, the Agreements and the assignments of the Notes, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Agreements and Bonds is

binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture and Agreements, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Funds, the Bond Funds or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreements.

(d) Recordings and Filings. The Issuer will at the expense of the Borrowers cause all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the holders of the Bonds and the rights of the Trustee under the Indenture; and in pursuance thereof each Borrower has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in the respective Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreements. The Issuer shall do all things and take all actions on its part necessary to

comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreements, and will take all actions within its authority to maintain the Agreements in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

(g) Rights under Agreements. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholders, enforce all rights of the Issuer and all obligations of the Borrowers under and pursuant to the Agreements, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) Arbitrage Provisions. The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Clerk of the Issuing Authority or any other officer having responsibility with respect to the issuance of the Bonds of any series is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or the respective Borrower, and upon receipt of indemnities from such Borrower, to deliver a certificate on behalf of the Issuer for inclusion in the transcript of proceedings for such series of Bonds, setting forth the facts, estimates and circumstances and reasonable expect-

tations pertaining to such Section 103(c) and regulations thereunder.

(i) List of Bondholders. Any Bondholder may in writing addressed to the Trustee request that his name and address be placed on a list of names and addresses of Bondholders to be kept on file with the Trustee, which request shall include a statement of the principal amount of Bonds held by such holder and identifying, by number and series designation, such Bonds. Neither the Issuer nor the Trustee shall be under any responsibility with regard to the accuracy of such list. At reasonable times and under reasonable regulations established by the Trustee, such list may be inspected and copied by the respective Borrower, the Bank or by holders (or a designated representative thereof) of twenty-five percent or more in principal amount of Bonds of such series then outstanding, such holding and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

Section 9. Investment of Bond Fund and Construction Fund Money. Moneys in any Bond Fund and any Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, at the direction of the Authorized Borrower Representative with respect thereto, provided that investments of moneys in any Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay the corresponding Bond Service Charges as they fall due at stated maturity or by redemption; and that each investment of moneys in any Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto,

1 the Trustee may from time to time sell such investments and rein-
 2 vest the proceeds therefrom in Eligible Investments maturing or
 3 redeemable as aforesaid. Any such investments may be purchased
 4 from or sold to the Trustee or any of its affiliates. The
 5 Trustee shall sell or redeem investments standing to the credit
 6 of any Bond Fund to produce sufficient moneys hereunder at the
 7 times required for the purposes of paying the corresponding Bond
 8 Service Charges when due as aforesaid. An investment made from
 9 moneys credited to any Bond Fund or Construction Fund shall
 10 constitute part of that respective Fund and such respective Fund
 11 shall be credited with all proceeds of sale and income or loss
 12 from such investment. Each Borrower has covenanted in the
 13 respective Agreement to restrict the use of the proceeds of the
 14 Bonds of the corresponding series so that they will not consti-
 15 tute arbitrage bonds under the Code. Any investments in any Bond
 16 Fund or Construction Fund shall be valued at face amount or
 17 market value, whichever is less.

18 Section 10. Authorization of Agreements, Indenture and
 19 Assignments. In order to better secure the payment of the Bond
 20 Service Charges as the same shall become due and payable, the
 21 Executive and Clerk of the Issuing Authority are hereby
 22 authorized and directed to execute, acknowledge and deliver the
 23 Agreements, the Indenture and the assignments of the Notes, in
 24 substantially the forms submitted to this Issuing Authority,
 25 which are hereby approved, with such changes therein not incon-
 26 sistent with this Bond Legislation and not substantially adverse
 27 to the Issuer as may be permitted by the Act and approved by such
 28 officers. The approval of such changes by such officers, and
 29 that such are not substantially adverse to the Issuer, shall be
 30 conclusively evidenced by the execution of any Agreement, the
 31 Indenture and any such assignment by such officers.

32 The Executive and Clerk of the Issuing Authority are

2 each hereby separately authorized to take any and all actions and
 3 to execute such financing statements, certificates and other
 4 instruments that may be necessary or appropriate in the opinion
 5 of Peck, Shaffer & Williams, as Bond Counsel, in order to effect
 6 the issuance of the Bonds and the intent of this Bond
 7 Legislation. The Clerk of the Issuing Authority, or other
 8 appropriate officer of the Issuer, shall certify a true
 9 transcript of all proceedings had with respect to the issuance of
 10 each series of Bonds, along with such information from the
 11 records of the Issuer as is necessary to determine the regularity
 12 and validity of the issuance of such series.

13 This Bond Legislation shall constitute a part of the
 14 Indenture as therein provided and for all purposes of the
 15 Indenture, including, without limitation, application to this
 16 Bond Legislation of the provisions in the Indenture relating to
 17 Amendment, modification and supplementation, and provisions for
 18 severability.

19 Section 11. Compliance with Open Door Law. It is
 20 hereby determined that all formal actions of this Issuing
 21 Authority relating to the adoption of this Bond Legislation were
 22 taken in an open meeting of this Issuing Authority, that all
 23 deliberations of this Issuing Authority and of its committees, if
 24 any, which resulted in formal action, were in meetings open to
 25 the public, and that all such meetings were convened, held and
 26 conducted in compliance with applicable legal requirements,
 27 including the Indiana Open Door Law.

28 Section 12. Effective Date. This Bond Legislation
 29 shall take effect and be in force immediately upon its passage
 30
 31

1 and approval as provided by law.
2
3
4

Mark E. GiaQuinta
COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: none

Date: 4-12-83 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne Indiana as Special Ordinance No. S-64-83 on the 12th day of April, 1983.

ATTEST (SEAL)

Charles W. Westerman Ben A. Eisbart
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-31

SPECIAL ORDINANCE NO. S-65-83

AN ORDINANCE approving City Utilities Purchase Order No. A-31703 with Perkin-Elmer for the Water Pollution Control Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

SECTION 1. That City Utilities Purchase Order No. A-31703, between the City of Fort Wayne by and through City Utilities, and the Department of Purchasing and Perkin Elmer, respectfully for:

the awarding of the bids with respect to to purchase of a UV/Visible Spectrophotometer for the Water Pollution Control Plant of Fort Wayne, Indiana,

involving an approximate total cost of Twenty-Six Thousand Eighty-Eight and No/100 Dollars (\$26,088.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs,,
Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-65-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-34

SPECIAL ORDINANCE NO. S-66-83

AN ORDINANCE approving Civil City
Purchase Orders Nos. A-24843 &
A-24844, with Motorola C & E, Inc.
and General Electric Company for the
Communications Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order Nos. A-24843 & A-24844, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing and Motorola C & E, Inc., and General Electric Company, respectfully, for:

the awarding of the bid with respect to the purchase of radios for the Communications Department of Fort Wayne, Indiana:

the price for the radios will be at the unit price as indicated on the Purchase Orders and radios will be purchased in amounts deemed necessary for the year 1983; all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs,
Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-66-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-35

SPECIAL ORDINANCE NO. S-67-83

AN ORDINANCE approving City Utilities
Purchase Order No. A-24715 with
Underground Pipe & Valve for the Water
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-24715, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Underground Pipe & Valve, respectfully for:

the awarding of the bid with respect to the purchase of water construction materials for the Water Maintenance & Service Department of Fort Wayne, Indiana;

involving a total cost of Seventy-Seven Thousand Two Hundred Ninety-Six and 93/100 Dollars (\$77,296.93), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and the Public Board of Works, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. Prior approval was received from Council on February 28, 1983.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs,
Stier, Talarico
Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-67-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-82-12-41 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-02-83

AN ORDINANCE amending the City of Fort
Wayne Zoning Maps No. R-34 & R-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana of 1974:

Part of the West Half of the Northwest Quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning on the North line of said Northwest Quarter at a point situated 208.7 feet, S 90 degrees 00 minutes W (deed bearing and is used as the basis for the bearings in this description) from the Northeast corner of said West Half; thence S 00 degrees 02 minutes E (recorded S 00 degrees 10 minutes E) and parallel to the East line of said West Half, on and along a line established by an existing line fence and monuments found, a distance of 596.8 feet to a post found; thence S 90 degrees 00 minutes W and parallel to the North line of said Northwest Quarter; thence N 90 degrees of 369.8 feet (recorded 369.39 feet), thence N 00 degrees 07 minutes E, a distance of 596.8 feet to a point on the North line of said Northwest Quarter; thence N 90 degrees 00 minutes E, on and along said North line, being also the centerline of St. Joe Center Road, a distance of 188.2 feet to the Northwest corner of a tract of land conveyed to Lassus Bros. Oil, Inc. in Deed Record 733, page 527 in the Office of the Recorder of Allen County, Indiana; thence S 00 degrees 02 minutes E, (recorded S 00 degrees 10 minutes E) on and along the West line of said Lassus Bros., Oil, Inc. tract, and parallel to the East line of said West Half, a distance of 170.0 feet to the Southwest corner of said tract; thence N 90 degrees 00 minutes, E, on and along the South line of said Lassus Bros. Oil, Inc. tract and parallel to said North line, a distance of 150.0 feet to the Southeast corner of said tract; thence N 00 degrees 02 minutes W (recorded N 00 degrees 10 minutes W), on and along the East line of said Lassus Bros., Oil, Inc. tract and parallel to the East line of said West Half, a distance of 170.0 feet to the Northeast corner of said tract, being a point on the North line of said Northwest Quarter; thence N 90 degrees 00 minutes E, on and along said North line, being also the centerline of St. Joe Center Road, a distance of 30.0 feet to the point of beginning, containing 4.48 acres of land, subject to legal right-of-way for St. Joe Center Road, subject to a legal drainage easement for Shoppman Ditch and subject to all other easements of record;

and the symbols of the City of Fort Wayne Zoning Maps R-34 and R-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana, are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Talarico

Nays: Two

Schmidt, Stier

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. Z-02-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-03-09

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 (Multiple Family) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot 1 and the East 1/2 of Lot 2, O.S. Hannas Addition
to South Wayne, Fort Wayne, Indiana

and the symbols of the City of Fort Wayne, Zoning Map No. L7, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Date: 4-12-83

Charles W. Westerman
City Clerk

BILL NO. Z-83-03-11

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-4 (Roadside Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974,

Lot #17 and the East 9.5 feet of Lot #18 in Rockhills
2nd Addition

and the symbols of the City of Fort Wayne, Zoning Map No. K-6, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. LOST by the following vote:

Ayes: None

Nays: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Date: 4-12-83

Charles W. Westerman
City Clerk

BILL NO. G-83-03-38

GENERAL ORDINANCE NO. G-11-83

AN ORDINANCE establishing Rules, Regulations,
and Procedures Governing the City's Minimum
Housing Code and Unsafe Building Rules,
Regulations, Procedures and Enforcement

WHEREAS, the City of Fort Wayne has assumed through its Housing Authority, jurisdiction and responsibility of Minimum Housing enforcement and administration, including the enforcement of the City's Minimum Housing Code and Unsafe Building Ordinance;

WHEREAS, it is necessary to establish specific rules, regulations and procedures with respect to Minimum Housing administration and enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The purpose of this ordinance is to provide and protect the public health, safety and general welfare, and is specifically intended to insure that all dwellings and dwelling units are safe, sanitary and fit for human habitation, and to provide for the correction and repair of substandard dwellings and parts thereof.

SECTION 2. Authority is hereby granted to the Housing Authority of the City of Fort Wayne to establish the Safe Housing and Enforcement Division of the Housing Authority of the City of Fort Wayne (hereinafter referred to as "SHED"), for the specific purpose of assuming the jurisdiction and responsibility of Minimum Housing Code enforcement and administration, including the enforcement of the City's Minimum Housing Code and Unsafe Building Ordinances as stated in General Ordinance No. G68, and modified HUD Section 8 Standards as in effect March, 1983, and as modified thereafter from time to time. The Housing Authority is hereby declared to be an enforcement agency.

SECTION 3. The provisions of this ordinance shall apply to all residential building and residential portions of mixed occupancy buildings existing at the date of the adoption of this ordinance

and thereafter erected, and shall apply to all conversions of existing buildings from non residential to residential or partially residential.

SECTION 4. Authority is hereby given to the Housing Authority and its Minimum Housing Code, and Unsafe Building Ordinance, General Ordinance G-68, and modified HUD Section 8 Standards as in effect March 1983, and as modified thereafter from time to time.

The Housing Authority shall enforce the Minimum Housing Code and the Unsafe Building Ordinance, General Ordinance G-68, and modified HUD Section 8 Standards as in effect March 1983, and as modified thereafter from time to time until such time as its Board of Directors have established, by resolution, rules, standards, regulations and enforcement provisions which shall automatically supersede and replace the Minimum Housing Code and Unsafe Building Ordinance G-68, in pertinent parts.

SECTION 5. The Housing Authority, in the exercise of its duties hereunder shall have all power and authority as otherwise granted to the Housing Authority by Federal and State law.

SECTION 6. Any ordinance of the City of Fort Wayne in conflict herewith shall be deemed amended by the passage of this ordinance.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuitna, Schmidt, Schomburg, Stier, Talarico
Nays: None
Abstained: One
Scruggs

Date: 4-12-83
Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-83 on the 12th day of April, 1983.

ATTEST (SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-03-39

GENERAL ORDINANCE NO. G-12-83

AN ORDINANCE amending Chapter 7, of the
Code of the City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 7-192 of the Code of the City of Fort Wayne, Indiana of 1974, be amended in part as follows:

SEC. 7-192. Inspection, equipment and licensing.

Change from: the bottom of said sign to be at a height of five (5) feet above the level of the street or way;

to: the bottom of said sign to be at a height between three (3) and five (5) feet above the level of the street or way.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Scruggs, Stier, Talarico
Nays: One
Schomburg

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-14

REGULATORY RESOLUTION NO. R-19-83

A RESOLUTION correcting a scrivener's error in the Uniform Ambulance Ordinance

WHEREAS, this Council has passed an Ordinance noted as Bill No. G 82-05-30, as amended, Ordinance G-16-82;

WHEREAS, said Ordinance is commonly referred to as the "Uniform Ambulance Ordinance;"

WHEREAS, such Ordinance makes reference to Ind. Stats. 16-1-32 et seq., as authorizing Statutes of Indiana Law;

WHEREAS, said reference to Ind. Stats. 16-1-32 et seq. is a scrivener's and/or typographical error as contained in the "Uniform Ambulance Ordinance."

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The "Uniform Ambulance Ordinance" known as Bill No. G 82-05-30, Ordinance G-16-82 is hereby corrected so that all references therein to Ind. Stats. 16-1-32 et seq. now read as

Ind. Stats. 16-1-39 et seq.

SECTION 2. That the change herein made, as resolved by this Council, is not a change in the substantive content of said Ordinance but rather is a change simply to correct a scrivener's and/or typographical error as contained in said Ordinance, as described herein.

SECTION 3. That the City Clerk is hereby empowered and instructed to change the "Uniform Ambulance Ordinance" and the Municipal Code of the City of Fort Wayne, Indiana so that said Ordinance and Code reflect the changes herein resolved.

SECTION 4. That this Resolution shall be in full force and effect upon passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-19-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-40

SPECIAL ORDINANCE NO. S-68-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and through
its Board of Public Works and Bowen
Engineering Corporation for Res. #375-82,
for repairs at Water Pollution Control Plant

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the city of Fort Wayne by and through its Board of Public Works and Bowen Engineering Corporation, for Res. #375-82, for repairs at the Water Pollution Control Plant, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

contract covers flood damage listed under
the following Federal Management Agency Damage Survey Report Numbers, for emergency
repairs to be completed at the Wastewater Treatment Plant:

047106 - Resurface Drives 047103 - Replace Broken Curbs 047107 - Repair Construction Joints
046108 - Misc. Repairs & Cleaning 047110 - Repair Aeration Bldg. Operations
Floor & area Restoration 047131 - Repair Leak at Morton
Street Pump Station 042047 - Misc. Flood proofing

the Contract price is One Hundred Two Thousand Nine Hundred Seventy and No/100 Dollars (\$102,970.00).

SECTION 2. Prior approval was received from Council with respect to this Contract on December 20, 1982. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-68-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-41

SPECIAL ORDINANCE NO. S-69-83

AN ORDINANCE approving Change Order No. 4
and FINAL, Resolution No. 377-80, "Trier
Ditch Interceptor", Project No. C-180599-08,
in connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 4, and FINAL, Resolution No. 337-80, "Trier Ditch Interceptor", Project No. C-180599-08, with John Dehner, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease in the amount of Three Thousand Nine Hundred Forty-Eight and 93/100 Dollars (\$3,948.93) all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-69-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-42

SPECIAL ORDINANCE NO. S-70-83

AN ORDINANCE approving Change Order
No. 2 and FINAL, Resolution No. 333-80,
Trier Ditch - Cassel Heights, Project
No. C-180599-08, in connection with the
Board of Public Work

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, and FINAL, Resolution No. 333-33380, Trier Ditch - Cassel Heights, Project No. C-180599-08, with John Dehner, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease in the amount of Forty-Seven Thousand Three Hundred Nine and 38/100 Dollars (\$47,309.38), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-70-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-43

SPECIAL ORDINANCE NO. S-71-83

AN ORDINANCE approving Change Order No. 2
and FINAL, Resolution No. 336-80, Trier
Pump Station, Project No. C-180599-08, in
connection with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, and FINAL, Resolution No. 336-80, Trier Pump Station, with John Dehner, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Three Thousand Nine Hundred Sixty-Three and 97/100 Dollars (\$3,963.97), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-71-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-44

SPECIAL ORDINANCE NO. S-72-83

AN ORDINANCE approving Change Order
No. 3 and FINAL, Resolution No. 330-80,
Phase II, "North Maumee Interceptor" Project
No. C-180599-08, in connection with the Board
of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Chnge Order No. 3, and FINAL, Resolution No. 33080, Phase II, "North Maumee interceptor", Project No. C18059908, with John Dehner, Inc., in connection with the Board of Public Works for:

a close out change order to adjust the
estimated quantities in the contract
unit price to agree with actual quantities
installed under this project;

involving a net decrease in the amount of Forty-Five Thousand Seven Hundred Ninty-Seven and 19/100 Dollars (\$45,797.19), all as more particularly set forth in the specifications, and which as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-72-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-45

SPECIAL ORDINANCE NO. S-73-83

AN ORDINANCE approving Change Order
No. 2 and FINAL, Resolution No. 335-80,
Anthony Wayne Pump Station, Project
No. C-180599-08, in connection with
the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. That Change Order No. 2, and FINAL, Resolution No. 335-80, Anthony Wayne Pump Station, Project No. C-180599-08, with John Dehner, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the
estimated quantities in the contract
unit price to agree with actual quantities
installed under this project;

involving a net decrease in the amount of Four Hundred Fourteen Thousand Three Hundred Three and 43/100 Dollars (\$414,303.43), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as special Ordinance No. S-73-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-46

SPECIAL ORDINANCE NO. S-74-83

AN ORDINANCE approving Change Order
No. 1 for Resolution No. 368-82,
Spy Run, Elizabeth Street Storm Sewer
Repair, Federal Emergency Agency
Damage Survey Report #044897, in connection
with the Board of Public Works

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution 368-82, Spy Run, Elizabeth Street Storm Sewer Repair, Federal Emergency Management Agency Damage Survey Report #044897, with Earth Construction & Engineering, Inc., in connection with the Board of Public Works, for:

Necessity for change: Items 1 & 2: Actual pipe measurements, Item 3: Maximum pay quantity based upon OD of pipe + 30 x length x avg. depth. Item 5A: Addition inlet with curb opening needed at southeast corner. Original curb opening structure not possible due to utility conflict. Items 6 & 6A: 14" Deep Strength Asphalt was required in accordance with DSE #044897. The presence of utilities required that the trench be opened much wider than anticipated and more asphalt and more asphalt replacement was necessary. Items 8 & 9: Actual curb and sidewalk measurements. Time extension needed to allow for restoration of Spring of 1983,

involving a net increase in the amount of Five Thousand Fifty-Eight and 27/100 Dollars (\$5,058.27), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Nays: None

Date: 4-12-83

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne Indiana as Special Ordinance No. S-74-83 on the 12th day of April, 1983.

ATTEST

(SEAL)

Charles W. Westerman
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-03-27

GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE regulating the hiring
of consultants by the City of Fort
Wayne, Indiana

WHEREAS, IC 36 does not fully regulate procedures for hiring of consultants and other persons, firms and corporations who furnish information, advice and counsel to the City of Fort Wayne, Indiana, in the administration of its government; and,

WHEREAS, IC 36-4-6-18 confers upon the legislative body (Common Council) authority to pass Ordinances, Orders, Resolutions and Motions for the government of the City, the control of the City's property and finances and the appropriation of money; and,

WHEREAS, it is necessary for the City of Fort Wayne, Indiana to supplement the procedure given it under IC 36.

THEREFORE BE IT HEREBY ORDAINED THAT:

Section 1. Pursuant to IC 36-1-3-4 (b) and IC 36-4-6-18 there is hereby adopted this Ordinance prescribing an exclusive manner for the exercising of the power of contracting with and employing of consultants by the City of Fort Wayne, Indiana either in the exercise of its civil jurisdiction or in the exercise of its power over any city owned and/or operated utilities.

Section 2. All contracts and/or contractual arrangement to employ or to utilize the services of a consultant for the City of Fort Wayne, Indiana either for civil or utility purposes shall be approved by the Common Council of the City of Fort Wayne by ordinance duly passed by said Common Council and approved by the Mayor of the City of Fort Wayne, Indiana prior to the consultant's employment. Contracts for consulting need not be submitted to the Common Council for passage when the unit price of the contract when extrapolated over one full year is less than Seventy-Five Hundred Dollars (\$7 500.00).

Section 3. All such contracts or agreements hereafter entered into without such prior approval shall be null and void.

Section 4. In case of emergency only the City of Fort Wayne, Indiana, may enter into contracts or agreements for the hiring and employment of consultants.

Section 5. The term "emergency" means a situation that could not reasonably be foreseen and that threatens the public health, welfare or safety and requires immediate action.

Section 6. The words "consultant" and "consultants" whenever used in this Ordinance shall mean any person or persons, firm or firms, corporation or corporations who consults with or who gives provisional or expert advice or opinion and who is available and utilized to throw light on a subject under consideration.

Section 7 This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Donald J. Schmidt
Councilman

Read the third time in full and on motion by Schmidt, seconded by Stier and duly adopted, placed on its passage. LOST by the following vote:

Ayes: Four
Burns, GiaQuinta, Schmidt, Schomburg,
Nays: Four
Bradbury, Eisbart, Scruggs, Stier
Abstained: One
Talarico

Date: 4-12-83

Charles W. Westerman
City Clerk

BILL NO. G-82-12-44 (AS AMENDED)

GENERAL ORDINANCE NO. G-

10-82

AN ORDINANCE amending Chapter 26 of the
Municipal Code of the City of Fort Wayne,
Indiana of 1974, entitled "Subdivisions".

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the title page of Chapter 26, entitled
"Subdivisions", of the Municipal Code of the City of Fort Wayne, Indiana
of 1974, is hereby amended as follows, to-wit:

A. The first paragraph shall be amended by deleting
"See I.C. 1971, 18-1-1.5-10" and substituting the following
in lieu thereof: "I.C. 36-7-2-2 and I.C. 36-7-2-3";

B. By deleting "I.C. 1971, 18-7-5-47" and substituting the
following in lieu thereof: "I.C. 36-7-4-702 and I.C. 36-7-4-710";

C. By deleting "I.C. 1971, 18-7-5-54" and substituting the
following in lieu thereof: "I.C. 36-7-4-701 and I.C. 36-7-4-711";

D. By deleting "I.C. 1971, 18-7-5-1 to I.C. 18-7-5-98" and
substituting the following in lieu thereof: "I.C. 36-7-4-100, et seq.";

E. By deleting "Section 26-6 Severability of Provisions of
Section 26-4, 26-5, and 26-10." and substituting the following in
lieu thereof: "Section 26-6 Zoning Districts for Subdivisions.";

F. By deleting "Article II. Application, Preliminary Plat
& Final Plat and substituting the following in lieu thereof: "Article II.
Application, Primary and Secondary Approval.";

G. By deleting "Section 26-8. Preliminary Plat." and substituting
the following in lieu thereof: "Section 26-8. Primary Approval."; and

H. By deleting "Section 26-9. Final Plat - Generally." and
substituting the following in lieu thereof: "Section 26-9 Secondary
Approval."

SECTION 2. That Article I, Section 26-1 of the Municipal Code
of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding the
following sentence to Section 26-1, to-wit: "Condominiums regulated by

I.C. 36-1-6 are not regulated by this Chapter."

SECTION 3. That Article I, Section 26-3 of the Municipal Code
of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows,
to-wit:

A. By deleting "Comprehensive Development Plan. The complete
plan or any part of such plan for the development of the City as
prepared and adopted by the City Plan Commission." and substituting
the following in lieu thereof: "Comprehensive Plan. That Plan
for the promotion of public health, safety, morals, convenience,
order and the general welfare and for the sake of efficiency and
economy in the process of development provided for and adopted in
accordance with I.C. 36-7-4-500, et seq."

B. By deleting "Subdivision. The division of a parcel of land
into three or more lots or other divisions of land, in any twelve
month period of time; of the division of any parcel of land into
two or more parcels if the division requires the creation of any
new street, easement or if the division requires the creation of
any new street, easement or right-of-way, or interferes with any
projected street, easement or right-of-way shown on the thoroughfare
plan as contained in the general right-of-way shown on the
thoroughfare plan as contained in the general plan for the develop-
ment of the city; provided that division of land for agricultural
purposes in parcels of more than ten acres, not involving any new
street or easement access, shall be exempted. For the purposes
of this definition, a division shall be deemed to occur at the
time that a proposition for the sale, conditional or otherwise,
is executed, or a deed is executed, whichever is earliest." and
substituting the following in lieu thereof: "Subdivision. The

29 division of a parcel of land into three or more lots or other
30 divisions of land, in any twelve month period of time; or the
31 division of any parcel of land into two or more parcels if the
32 division requires the creation of any new street, easement or
right-of-way, or interferes with any projected street, easement

1 or right-of-way including those contained in the comprehensive
2 plan; provided, that division of land for agricultural purposes
3 in parcels of more than ten acres, not involving any new street
4 or easement access, shall be exempted. For the purposes of this
5 definition, a division shall be deemed to occur at the time that
6 a proposition for the sale of any parcel is accepted, or a contract
7 of sale, conditional or otherwise, is executed, or a deed is
8 executed, whichever is earliest."

9 C. By deleting "Territorial jurisdiction. The city, and
10 the contiguous unincorporated areas outside of the city shown on a
11 map on file in the office of the County Recorder."

12 D. By deleting "Thoroughfare plan. The plan prepared and
13 adopted by the City Plan Commission indicating the locations and
14 classifications of existing and proposed streets and highways,
15 including bridges, viaducts, expressways, parkways, alleys and
16 other public ways and places."

17 SECTION 4. That Section 26-6 of the Municipal Code of the City
18 of Fort Wayne, Indiana of 1974 is hereby amended by deleting it in its
19 entirety and substituting the following in lieu thereof: "Zoning Districts
20 for Subdivisions. Subdivisions are permitted as follows:

21 (a) Residential subdivisions are permitted in all zoning
22 districts except M-3 districts.

23 (b) Commercial subdivisions are permitted in all zoning
24 districts except R-1, R-2, R-3, R-A and R-B districts.

25 (c) Industrial subdivisions are permitted only in M-1, M-2
26 and M-3 zoning districts."

27 SECTION 5. That Article II, Section 26-7 of the Municipal Code
28 of the City of Fort Wayne, Indiana of 1974 is hereby amended by deleting
29 it in its entirety and substituting the following in lieu thereof:
30 "Section 26-7. Applications generally. The application shall contain a
31 statement specifying the intentions of the owner respecting the proposed
32 planned use of the development, deed, restrictions, drainage, sewage
disposal, water facilities and the intended date of the development, and

1 shall be accompanied by a receipt from the city showing that a filing fee
2 in an amount to be determined by rule of the plan commission has been paid."

3 SECTION 6. That Article II, Section 26-8 of the Municipal
4 Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as
5 follows, to-wit:

6 A. By deleting "Preliminary Plat" and substituting the
7 following in lieu thereof: "Primary Approval."

8 B. By deleting Section 26-8(a) in its entirety and substituting
9 the following in lieu thereof: "(a) The tracing and thirty copies
10 of the proposed plat and two copies of the application form shall
11 be submitted at the time of filing a subdivision application. Every
12 plat subdividing any land lying within territorial jurisdiction
13 of the City Plan Commission shall be submitted to the City Plan
14 Commission together with the written application of the owner or
15 owners thereof for the approval of the Commission. Then thirty
16 days after the receipt of the application, unless a longer period
17 is requested by the applicant, the Commission shall set a date at
18 which a hearing on the proposed plat will be held and it shall
19 notify the applicant in writing and give notice of the hearing in
20 accordance with I.C. 36-7-4-706. Furthermore, the Plan Commission

shall give notice to interested parties, as determined by the Plan Commission, at least ten days prior to the hearing. If any part of the property proposed for subdivision is within five hundred feet (500') of an existing or proposed park, or includes a proposed park, the Commission shall send notice of the public hearing date to the Board of Park Commissioners together with a copy of the application and proposed plat with a request for any pertinent comments. The Commission shall also send a copy of the proposed plat, along with a request for comments, to the City Community Schools, the County Plan Commission, and to any other government agency whom it considers to have an interest in the proposed subdivision.

C. By deleting from Section 26-8(b) "The preliminary plat" and substituting the following in lieu thereof: "the proposed plat for primary approval."

D. By deleting Section 26-8(c) in its entirety and substituting the following in lieu thereof:

"(c) After the public hearing on the proposed plat, the Commission shall make a decision as to whether to grant or not to grant primary approval and shall enter written findings that set forth its reasons for this decision, which writings shall be signed by the President of the Plan Commission. A copy of these findings shall be sent to the applicant. Primary approval shall be valid for two years from the date of approval, and if during this two-year period the developer does not submit a plat for secondary approval of all or part of the area included in the plat receiving primary approval, then the primary approval given by the Commission shall lapse and be considered null and void."

SECTION 7. That Section 26-9 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting "Final plat - Generally." and substituting the following in lieu thereof: "Secondary Approval - Generally."

B. By deleting Sections 26-9(a), (b) and (c) in their entirety and substituting the following in lieu thereof: "(a) Secondary approval will not be considered on a proposed plat until at least thirty days after written findings and a decision have been entered granting primary approval on a proposed plat, and the applicant has paid a filing fee for the secondary approval in an amount to be determined by the Plan Commission. The application for secondary approval shall include a plat submitted to the Commission in the form of original tracing on one piece of tracing cloth or tracing paper, in ink, and shall be a complete and accurate layout drawn to the same scale as the plat submitted for primary approval, corrections and deletions required by the Commission, and shall show:

(1) The boundary lines of the tract subdivided together with accurate distances and angles and the exact location of all existing and recorded streets intersecting the boundary of the tract;

(2) Angles or true bearings and distances to the nearest established street line or existing official monuments, which shall be accurately described on the plat;

(3) An accurate metes and bounds description of the tract and the name of record titleholders thereof, as shown by the records in the Office of the County Recorder;

(4) Street names;

(5) The length of all arcs and radii, central angles,

internal angles, points of curvature and tangency, and the length of all tangents;

(6) All easements for public services and utilities, the dimensions thereof, and any limitations on such easements;

(7) Lot numbers and dimensions and individual house numbers for each lot. House numbers on any certain street shall be consecutive even though the street itself changes direction and shall be in accordance with the provisions of Sections 25-65 through 25-69. If the change of direction is radical enough to warrant a deviation from consecutive numbering, then the street name itself shall be changed;

(8) Street lines with accurate dimensions and the locations of streets, alleys and lot lines;

(9) Location, type, material, and size of all monuments or markers;

(10) The accurate outline of all property which is offered for dedication for public use with the purpose thereof indicated and all property that may be reserved by deed covenant or restriction for the common use of property owners of the subdivision;

(11) Building line locations and dimensions;

(12) Restrictions of all types which run with the land;

(13) Name of the subdivision;

(14) Name and address of the subdivider;

(15) Northpoint, scale and date;

(16) Section or reserve lines or other legal lines of location superimposed on the final plat;

(17) Certification by a professional civil engineer, or land surveyor registered in the state;

(18) Dedication of public streets and lands;

(19) Certificate of approval by the City Plan Commission, Board of Public Works and if any part of the property being subdivided is within five hundred feet (500') of a park, the Board of Park Commissioners, and if any of the property lies outside of the

City, by the Board of Commissioners of the County; and

(20) Any such other data as the Plan Commission by rule requires. Any such rule shall be adopted by Commission resolution only after a public hearing.

(b) If a plat upon which secondary approval has been granted by the Commission has not been recorded in the Office of the County Recorder within 365 days after the entry of written findings and decisions granting such approval, approval of the Commission shall be deemed automatically withdrawn.

(c) If after secondary approval has been granted by the Commission, such plat is discovered to be inaccurate in measurements or because of scrivener's errors, the owners of all of the lots in the plat as shown on record in the Office of the Recorder of the County may petition the Commission for approval of a corrected plat. If matters of survey are to be corrected, the corrected plat shall be accompanied by an affidavit of a registered surveyor as authorized by I.C. 36-2-11-19 and may incorporate by reference any matters appearing on record in the recording of the prior plat. The Commission may approve such corrected plat without further notice of public hearing and show its approval upon the face of the corrected plat in the same manner as upon the original plat."

C. By deleting the following sentence in its entirety: "For State law as to hearings, see I.C. 1971, 18-7-5-48."

SECTION 8. That Section 26-10 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby deleted in its entirety and the following substituted in lieu thereof: "Prerequisite to Secondary Approval and to Recording.

The Commission will grant secondary approval of the plat only if one of the following is submitted:

(a) A certificate of the Board of Public Works having been filed with the Commission that the streets, sewers, water supplies and other utilities, improvements, and installations have been

improved and installed in the subdivision in accordance with the requirements of Sections 26-23 through 26-29; or

(b) A certificate of the Board of Public Works having been filed with the Commission that the developer has submitted and the Board of Public Works has approved a complete set of plans and specifications for the development of all streets, sewers, water supplies and other utilities and facilities, installations and improvements in the subdivision in accordance with the requirements of Section 26-23 through 26-29, and the applicant has submitted a performance bond to the Commission to insure installation of the improvements as shown by such plans and specifications, which performance bond shall:

(1) Run to the City;

(2) Be in an amount determined by the Board of Public Works, subject to the approval of the Commission to be sufficient to complete the improvements and installations in compliance with this ordinance:

(3) Be with surety satisfactory to the Commission; and

(4) Specify the time for the completion of such improvements.

(c) After secondary approval of the plat is granted, the Plan Commission will release the plat for recording only after all boundary markers required by Section 26-22 have been installed and after the plat has been signed and certified by the President and Secretary or by the Vice-President and Secretary."

SECTION 9. That Section 26-11 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting "Each final plat submitted to the commission for approval" and substituting the following in lieu thereof: "Each plat submitted to the Commission for secondary approval."

SECTION 10. That Section 26-12 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting "Same - Accompanying statement when submitted for final approval." and substituting the following in lieu thereof:

"Same - Accompanying statement when submitted for secondary approval."

B. By deleting "Each final plat submitted to the Commission for approval" and substituting the following in lieu thereof: "Each plat submitted to the Commission for secondary approval."

C. By deleting from Section 26-12(a) the word "final".

D. By deleting from Section 26-12(b) the following: "Each final plat submitted to the Commission for approval" and substituting the following in lieu thereof: "Each plat submitted to the Commission for secondary approval."

SECTION 11. That Section 26-13 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby deleted in its entirety and the following is hereby substituted in lieu thereof:

"The Commission shall, within a reasonable time after applicant has submitted a full and complete application as set forth in this ordinance, make a decision to grant or not to grant secondary approval and shall make written findings and decision as to its granting of secondary approval of the plat. If the Commission approves, it shall affix the Commission Seal upon the plat, together with the certifying signatures of its President and Secretary or its Vice-President and Secretary. The Commission shall in the event of approval or disapproval furnish the applicant with a copy of its written findings and decision."

23 SECTION 12. That Section 26-14 of the Municipal Code of the
 24 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:
 25 A. By deleting the word "final".

26 SECTION 13. That Section 26-15 of the Municipal Code of
 27 the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:
 28 A. By deleting "Comprehensive Development Plan" and substituting
 29 the following in lieu thereof: "Comprehensive Plan".

30 SECTION 14. That Section 26-16 of the Municipal Code of the
 31 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:
 32

1 A. By deleting "thoroughfare plan being a part of the
 2 general plan for future development" and substituting the following
 3 in lieu thereof: "Comprehensive Plan".

4 B. Section 26-16(k) is hereby amended by deleting "No dead-end
 5 street shall be permitted where the same is in conflict with the
 6 thoroughfare plan." and substituting the following in lieu thereof:
 7 "No dead-end street shall be permitted where the same is in conflict
 8 with any plan announced by the Board of Public Works."

9 C. Section 26-16(l)(1) is hereby amended by deleting "Expressways:
 10 as shown in the thoroughfare plan." and substituting the following
 11 in lieu thereof: "(1) Expressways: as shown in the plans promulgated
 12 by the Board of Public Works."

13 SECTION 15. That Section 26-21 of the Municipal Code of the
 14 City of Fort Wayne, Indiana of 1974 is hereby amended by deleting
 15 "Comprehensive Development Plan" and substituting the following in lieu
 16 thereof: "comprehensive plan".

17 SECTION 16. That Section 26-23 of the Municipal Code of
 18 the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:
 19 A. Section 26-23(b) is hereby amended by deleting "according
 20 to the type designated on the thoroughfare plan, being a part of the
 21 general plan for future development".

22 B. By deleting Section 26-23(c) in its entirety and substituting
 23 the following in lieu thereof: "The street, according to its type,
 24 shall be improved by the developer with concrete, asphalt or other
 25 suitable material in accordance with the specifications and
 26 requirements adopted by the Board of Public Works."

27 C. By deleting Section 26-23(d) in its entirety and
 28 substituting the following in lieu thereof: "The developer shall
 29 notify the Board of Public Works prior to the time that the
 30 construction of any street begins in order to assure proper
 31 inspection."

32 D. By deleting Section 26-23(e) in its entirety and substituting
 1 the following in lieu thereof: "Street lighting shall be provided
 2 in all residential, apartment, commercial and industrial sub-
 3 divisions by the developer. The design, material and installation
 4 shall meet the minimum requirements and specifications adopted by
 5 the Board of Public Works."

6 E. By deleting Section 26-23(f) in its entirety.

7 SECTION 17. That Section 26-24 of the Municipal Code of the
 8 City of Fort Wayne, Indiana of 1974 is hereby amended by deleting it in its
 9 entirety and substituting the following in lieu thereof:
 10 "Section 26-24. Street Signs.
 11 Street signs shall be approved and installed by the developer
 12 at all street intersections. The design and installation thereof
 13 shall meet the requirements of the Board of Public Works."

14 SECTION 18. That Section 26-25 of the Municipal Code of the
 15 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:
 16 A. By deleting the first sentence of Section 26-25(a) and
 17 substituting the following in lieu thereof:

"(a) Curbs and gutters shall be installed by the developer in a manner that complies with the requirements and specifications adopted by the Board of Public Works."

B. By deleting Section 26-25(b) in its entirety and substituting the following in lieu thereof;

"(b) The developer shall notify the Board of Public Works prior to the time any curb is installed in order to insure proper inspection."

C. By deleting Section 26-25(c) in its entirety.

SECTION 19. That Section 26-26 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting Section 26-26(c) in its entirety and substituting the following in lieu thereof:

"(c) The design and manner in which the construction of the sidewalk is carried out shall comply with the requirements and

specifications adopted by the Board of Public Works."

B. By deleting Section 26-26(d) in its entirety and substituting the following in lieu thereof:

"(d) The developer shall notify the Board of Public Works prior to installation of sidewalks in order to insure proper inspection."

C. By deleting Section 26-26(e) in its entirety and substituting the following in lieu thereof:

"(e) Unless the installation of sidewalks has been waived by the Plan Commission under the terms of this section, no Certificates of Occupancy shall be issued until the developer has installed such sidewalks."

D. By deleting Section 26-26(f) in its entirety.

SECTION 20. That Section 26-27 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting Section 26-27(b) in its entirety and substituting the following in lieu thereof:

"(b) Developer shall notify the Board of Public Works prior to installation of the water system in order to insure proper inspection."

B. By deleting Section 26-27(c) in its entirety and substituting the following in lieu thereof:

"(c) Developer shall pay to the Engineering Permit Office an hourly inspection fee in an amount to be determined by the Board of Public Works for each hour a city inspector is present to inspect the water supply prior to the issuance of any Certificate of Occupancy."

SECTION 21. That Section 26-28 of the Municipal Code of the City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

A. By deleting Section 26-28(a)(1)c. in its entirety and substituting the following in lieu thereof:

"(a)(1)c. Designed and installed according to the

requirements and specifications adopted by the Board of Public Works."

B. By deleting Section 26-28(a)(2)a. in its entirety and substituting the following in lieu thereof:

"(a)(2)a. complete sanitary sewer system to convey the sewage to the treatment plant provided by the developer or others in accordance with the minimum requirements of the City or County and State Board of Health. The plans and manner in which the construction is carried out as to location, size, material, profiles, capacities and other drainage appurtenances, shall comply with the requirements and specifications adopted by the Board of Public Works, or"

13 C. By deleting Section 26-28(a)(2)b. in its entirety and
 14 substituting the following in lieu thereof:

15 "(a)(2)b. a complete sanitary sewer system which will
 16 connect into a sanitary sewage disposal company which will hold a
 17 certificate of territorial authority issued by the Public Service
 18 Commission of the State authorizing such sewage disposal services
 19 for the area in which the subdivision is located. The plans and
 20 the manner in which the construction is carried out as to location,
 21 size, materials, profiles, capacities, and other drainage
 22 appurtenances, shall comply with the requirements and specifications
 23 of the Board of Public Works." /

24 D. By deleting from Section 26-28(b) the following: "if the
 25 subdivision is duly recorded after the effective date of this
 26 amendment."

27 E. By deleting Section 26-28(c) in its entirety and
 28 substituting the following in lieu thereof:

29 "(c) the developer shall pay to the Engineering Permit Office
 30 an hourly inspection fee in an amount to be determined by the Board
 31 of Public Works for each hour the city inspector is present or
 32 contractual inspection costs for inspections of the sanitary

1 sewage system prior to the issuance of any Certificate of
 2 Occupancy."

3 SECTION 22. That Section 26-29 of the Municipal Code of the
 4 City of Fort Wayne, Indiana of 1974 is hereby amended as follows, to-wit:

5 A. By deleting the last sentence of Section 26-19(a) and
 6 substituting the following in lieu thereof: "The plans for the
 7 drainage of the subdivision showing topography, direction of flow,
 8 size, location, material, profile and all drainage appurtenances
 9 shall be subject to the Board of Public Works approval, and
 10 the construction shall be completed in a manner that complies
 11 with the requirements and specifications adopted by the Board of
 12 Public Works."

13 B. By deleting Section 26-29(b) in its entirety and substituting
 14 the following in lieu thereof: "(b) The developer shall notify
 15 The Board of Public Works prior to the storm water sewer being
 16 installed in order to insure proper inspection."

17 C. By deleting Section 26-29(c) in its entirety and substituting
 18 the following in lieu thereof: "(c) The Developer shall pay an
 19 hourly inspection fee in an amount to be determined by the Board
 20 of Public Works for each hour a city inspector is present or the
 21 contractual inspection costs to the Engineering Permit Office
 22 prior to the issuance of any Certificate of Occupancy."

23 SECTION 23. That Chapter 26 of the Municipal Code of the City
 24 of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new
 25 section as follows, to-wit:

26 "Section 26-30. Severability of Provisions of this Chapter.

27 If any section, clause, provision or portion of this
 28 ordinance is adjudged unconstitutional or invalid by a
 29 court of competent jurisdiction, the remainder of this
 30 ordinance shall not be affected thereby."

31 SECTION 24. That this Ordinance shall constitute an amendment
 32 to existing Ordinance of the City of Fort Wayne and any such ordinances of
 the City of Fort Wayne and any such ordinances in conflict herewith shall be

1 subordinated to the terms and conditions of this Ordinance.
 2 SECTION 25. That if any section, clause, sentence, paragraph,
 3 part or provision of this Ordinance shall be found invalid or void by a
 4 Court of competent jurisdiction, it shall be conclusively presumed that
 5 this Ordinance would have been passed by the Common Council of the City
 6 of Fort Wayne, Indiana without such invalid section, clause, sentence,
 7 paragraph, part or provision, and the remaining parts of this Ordinance
 8 shall remain in effect.

9 SECTION 26. That this Ordinance shall be in full force and
 10 effect from and after its passage, due legal publication thereof and any
 11 and all necessary approval by the Mayor.

12
 13 Ben A. Eisbart

COUNCILMEMBER

14
 15
 16 APPROVED AS TO FORM AND LEGALITY

17
 18 BRUCE O. BOXBERGER, CITY ATTORNEY
 19

Read the third time in full and on motion by Stier, seconded by Talarico and duly adopted,
 placed on its passage. Passed by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 4-12-83

Charles W. Westerman
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General
 Ordinance No. G-1083 on the 12th day of April, 1983.

ATTEST:

(SEAL)

Charles W. Westerman
 City Clerk

Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 13th day of April, 1983,
 at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
 City Clerk

Approved and signed by me this 15th day of April, 1983, at the hour of 10:00
 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. S-83-04-01

SPECIAL ORDINANCE NO. S-75-83

AN ORDINANCE ratifying Bid Reference No. 1076 by the City of Fort Wayne by and through its Park Commissioners and the Department of Purchasing with Hamilton Hunter Builders, Inc. for the renovation of Lakeside Pavilion

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Bid Reference No. 1076, between the City of Fort Wayne, Indiana, by and through its Park Commissioners and the Department of Purchasing with Hamilton Hunter Builders, Inc., respectfully for:

ratifying the bid for the renovation of Lakeside Pavilion damaged by fire on June 26, 1982;

involving a total cost of Thirty-Two Thousand Five Hundred Ninety and No/100 Dollars (\$32,590.00), all as more particularly set forth in said Bid Reference No. 1076, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradubry, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-75-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-02

SPECIAL ORDINANCE NO. S-76-83

AN ORDINANCE approving Civil City Purchase Order No. A-24971 (Bid Reference No. 1975) by the City of Fort Wayne by and through its Park Commissioners and the Department of Purchasing with Turf Specialties Corp. for Turf Fertilizer

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-24971 (Bid Reference No. 1075), between the City of Fort Wayne, Indiana, by and through its Park Commissioners and the Department of Purchasing with Turf Specialties Corp., respectfully for:

ratifying a bid for the purchase of thirty (30) tons of Turf Fertilizer to be used on the Golf Courses, Gardens and Parks;

involving a total cost of Eleven Thousand Three Hundred Eighty-Eight and No/100 Dollars (\$11,388.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-76-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-03

SPECIAL ORDINANCE NO. S-78-83

AN ORDINANCE approving City Utilities Purchase Order No. A-31859, with Anthony Motor Parts for the City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. A-31859, between the City of Fort Wayne,

Indiana, by and through City Utilities, and the Department of Purchasing and Anthony Motor Parts, respectfully, for:

the awarding of the bid with respect to the purchase of batteries for the City Utilities Garage of Fort Wayne, Indiana;

involving an estimated total cost of Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-77- 83bn the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-04

SPECIAL ORDINANCE NO. S-78-83

AN ORDINANCE approving Civil City
Purchase Order No. A-25491, with Bituminous
Materials Co., Inc. for the Street Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-25491, between the City of Fort Wayne, Indiana, by and through the Civil City Purchasing Agent, and the Department of Purchasing and Bituminous Materials Co., Inc., respectfully, for:

the awarding of the bid with respect to the purchase of Three Hundred (300) tons of
RS-2 Emulsion for the Street Department of Fort Wayne, Indiana;

involving an approximate total cost of Forty-Eight Thousand Six Hundred and No/100 Dollars (\$48,600.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-78-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-05

SPECIAL ORDINANCE NO. S-79-83

AN ORDINANCE approving contract for
the purchase of land by the Board of
Aviation Commissioners

NOW, THEREOFRE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following contract was entered into between the Board of Aviation Commissioners and the undersigned parties for the purchase of land for the expansion of the airport runway approved by the Federal Aviation Administration, ADAP Project #6-18-0022-07:

Contract with William D. Branstrator for 37.1 acres accepted March 17, 1983 \$96,500.00

which contract is on file in the Office of the Board of Aviation Commissioners and is by reference incorporated herein, made a part thereof and is in all things ratified, confirmed and approved. Two (2) copies of said contract are also on file in the Office of the City Clerk and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scurggs, Stier, Talarico
NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-79-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-04-21

RESOLUTION NO. R-20-83

A RESOLUTION FINDING, DETERMINING
AND RATIFYING AN INDUCEMENT RESOLUTION
OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE
AND SALE OF \$1,400,000.00 ECONOMIC
REVENUE BONDS OF THE CITY OF FORT
WAYNE, INDIANA, FOR THE PURPOSE OF
INDUCING THE APPLICANT, MARKET
BUILDING COMPANY TO PROCEED WITH
THE ACQUISITION CONSTRUCTION AND
EQUIPPING OF THE PROJECT.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 367-11 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Market Building Company (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of 15,000 sq. foot vacant office building and parking lot rehabilitation of same into first class office space, and costs of issuance to be leased to Waterfield Mortgage Co., Inc., Bonahoom, Chapman, McNellis & Michaels and others, located at 817829 South Barr Street, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in 18 jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,400,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

Section 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-20-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-04-13

RESOLUTION NO. R-22-83

A RESOLUTION approving acquisition of
real estate by Housing and Neighborhood
Development Services, Inc., with community
block grant funds

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. Authority is hereby given to Housing and Neighborhood Services, Inc., to acquire real estate located at 3717 South Park Drive, Fort Wayne, Indiana, 46806, at a purchase price not to exceed Five Thousand Three Hundred Ten and No/100 Dollars (\$5,310.00), said purchase price paid from community block grant funds. Authority is granted to Housing and neighborhood Development Services, Inc., to execute the attached Sales Contract, two (2) copies of which are on file in the City Clerk's Office and are available for public inspection.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-22-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-17

SPECIAL ORDINANCE NO. Z-80-83

AN ORDINANCE approving Change Order
No. 3 and FINAL, Resolution 330-80
Phase I, North Maumee Interceptor
in connection with the Board of Public Works

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That Change Order No. 3, and FINAL, Resolution No. 330-80, Phase I, North Maumee Interceptor, with Rocco Ferrera & Co., Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities in stalled under this project;

involving a net decrease in the amount of Forty-One Thousand One Hundred Ninety-Eight and 22/100 Dollars (\$41,198.22) all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier,
Talarico
NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-8083 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-18

SPECIAL ORDINANCE NO. S-81-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and John Dehner, Inc., for Res.
#375-82, Group 6 C, Mis. Repairs
at WPC Plant, DSR No. 047126 and 047128

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and John Dehner, Inc., for Res. #375-82, Group 6C, Mis. repairs at WPC Plant, DSR No. 047126 and 047128, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

- contract covers flood damage listed under the following Federal Management Agency Damage Survey Report Numbers. These are for emergency repairs to be completed at the Wastewater Treatment Plant; 047126, Old Grit Lagoon; 047128, Old Sludge Lagoons;

the Contract price is Fifty Thousand Three Hundred Ninety-Three and 60/100 Dollars (\$50,393.60).

SECTION 2. Prior approval was received from Council with respect to this Contract on December 17, 1982. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
Bradbury

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-81-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-19

SPECIAL ORDINANCE NO. S-82-83

AN ORDINANCE approving contract
No. 330-80, Phase II, by the City of Fort
Wayne by and through its Board of Public
Works and John Dehner, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated March 23, 1983, between the
City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public
Works, and John Dehner, Inc., for:

labor, material, equipment, tools, trans-
portation, misc. equipment, etc., necess-
ary for the demolition of four (4') feet
below ground line, the existing pump station
within Contract 330-80, Phase II,
break floor in pump floor and wetwell for
drainage, fill with material from demoli-
tion and gravel to approximately four
(4') feet below existing ground level
and fill balance with clean dirt;

involving a total cost of Eighteen Thousand Seven Hundred Fifty and No/100 Dollars
(\$18,750.00).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works,
and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage,
and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-82-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-04-33

RESOLUTION NO. R-21-83

WHEREAS, the City of Fort Wayne is a place where its citizens enjoy a diverse array of entertainment and recreational facilities; and

WHEREAS, the Baer Field Raceways has allowed the citizens to Fort Wayne to enjoy the sport of auto racing, both as specators and participants, and has brought some of the most famous names in racing to the City of Fort Wayne including Foyt, Unser, Rutheford, Sachs, Allison, Waltrip and others; and

WHEREAS, the Baer Field Raceways has provided a training ground for many Fort Wayne drivers who have subsequently gone on to win national acclaim for themselves and our City; and,

WHEREAS, Baer Field Raceways is celebrating twenty (20) years of operation in the City of Fort Wayne;

NOW, THEREFORE, be it resolved by the Common Council of the City of Fort Wayne that the Baer Field Raceways is to be commended for the unique form of entertainment it offers to citizens of Fort Wayne and it is to be congratulated in this (20th) year of operation in the City of Fort Wayne.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-21-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-82-12-19

ANNEXATION ORDINANCE NO. X-01-83

AN ORDINANCE annexing certain territory
commonly known as the Engle Ridge Annexation
Area to the City of Fort Wayne, Indiana and
including same in Councilmanic District No. 4

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to,
and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter, Section 17, Town-
ship 30, Range 12 East, and part of the North-east Quarter, Section 20, Township 30 North,
Range 12 East, to-wit:

Beginning at the intersection of the west right-of-way line of Ardmore Avenue and the north
right-of-way line of the Norfolk & Western Railway Company; thence north along the west
right-of-way line of Ardmore Avenue to the intersection of the north right-of-way line of
Engle Road; thence west along the north right-of-way line of Engle Road to the intersection
of the west line of the Southeast Quarter, Section 17, Township 30 North, Range 12 East;
thence south along the said west line and the west line of the Northeast Quarter, Section 20,
Township 30 North, Range 12 East to the intersection of the north right-of-way of the Norfolk
& Western Railway Company; thence northeasterly along said north line to the point of beginning;
said area contains 87.06 acres, more or less.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within
a period of one (1) year from the effective date of annexation, planned services of a non-capital nature,
including police protection, fire protection and street and road maintenance, in a manner which is equivalent
in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which
have similar topography, patterns of land utilization and population density to the said described territory.
The City of Fort Wayne will also provide services of a capital improvement nature, including street construction,
street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory
within three (3) years of the effective date of annexation, in the same manner as such services are provided
to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population
density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and propriety services will be provided to the above described
territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department
of Community Development and Planning. Said Plan was examined by the Common Council of the City of
Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of City Councilmanic Political Ward
No. 4 of the City of Fort Wayne, Indiana as described in Division I, Section 2-9 of Chapter 2 of the Municipal
Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage,
due legal publication, and any and all necessary approval by the Mayor, the required sixty (60) days remonstrance
period, and on December 31, 1983, whichever is later.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted,
placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. X-01-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-82-12-20

RESOLUTION NO. R-23-83

A RESOLUTION of the Common Council
of the City of Fort Wayne, Indiana
setting forth the policy of the City of Fort
Wayne, Indiana in regards to the annexation
of the Engle Ridge Annexation Area

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function
and

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation
of the City budget to provide for the furnishing of municipal services to the entire City, including newly
annexed areas; and

WHEREAS, the Common Council of the City of Fort Wayne has before it an Ordinance for the
annexation of the Engle Road Annexation Area, more specifically described as follows, to-wit:

Part of the Southeast Quarter, Section 17, Township 30, Range 12 East, and part of
the Northeast Quarter, Section 20, Township 30 North, Range 12 East, to-wit:

Beginning at the intersection of the west right-of-way line of Ardmore Avenue and the
north right-of-way line of the Norfolk & Western Railway Company; thence north along
the west right-of-way line of Ardmore Avenue to the intersection of the north right-
of-way line of Engle Road; thence west along the north right-of-way line of Engle Road
to the intersection of the west line of the Southeast Quarter, Section 17, Township 30
North, Range 12 East; thence south along the said west line and the west line of the
Northeast Quarter, Section 20, Township 30 North, Range 12 East to the intersection
of the north right-of-way of the Norfolk & Western Railway Company; thence northeasterly
along said north line to the point of beginning; said area contains 87.06 acres, more
or less.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That in the case of the Engle Ridge Annexation, it is the policy of the City of
Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Municipal Code of the City of Fort
Wayne, Indiana of 1974, as amended, with regards to the provision of non-capital and capital services
to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal
plan for said described territory, as prepared by the Department of Community Development and Planning,
which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods
of financing these services, the plan for the organization and extension of these services, delineates the
non-capital improvement services to be provided within one (1) year of annexation, the capital improvement
services to be provided within three (3) years of annexation, and the plan for hiring employees of other

governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force and effect upon the effective date of the Engle Ridge Annexation Ordinance.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-23-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. X-83-03-25

ANNEXATION ORDINANCE NO. X-02-83

AN ORDINANCE annexing certain territory commonly known as the Washington Center Road Annexation Area to the City of Fort Wayne, Indiana and including same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southeast Quarter of Section 16, Township 31 North, Range 12 East; part of the Northeast Quarter of Section 21, Township 31 North Range 12 East; part of the Southwest Quarter of Section 15, Township 31 North, Range 12 East; and part of the Northwest Quarter of Section 22, Township 31 North, Range 12 East; to-wit:

Beginning at the intersection of the south right-of-way line of Washington Center Road and the east right-of-way line of Conrail's Grand Rapids and Indiana Railroad tracks; thence west along the south right-of-way line of Washington Center Road to the west line of the Northeast Quarter of Section 21, Township 31 North, Range 12 East; thence north along said west line and the west line of the Southeast Quarter of Section 16, Township 31 North, Range 12 East, to the south right-of-way line of Ludwig Road, thence east along the south right-of-way line of Ludwig Road to the east right-of-way line of Conrail's Grand Rapids and Indiana Railroad tracks; thence south along the east right-of-way line of said railroad tracks to the point of beginning; area contains 160 acres, more or less.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature,

including police protection, fire protection and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governernmental and proprietary services will be provided to the above described territory in a manner according to the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of City Councilmanic Political Ward No. 3 of the City of Fort Wayne, Indiana, as described in Division 1, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage, due legal publication, any and all necessary approval by the Mayor, and sixty (60) days after final publication and on December 31, 1983 whichever is later.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-02-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-03-26

RESOLUTION NO. R-24-83

A RESOLUTION of the Common Council
of the City of Fort Wayne, Indiana
setting forth the policy of the City
of Fort Wayne, Indiana in regards to
the annexation of the Washington Center
Road Annexation Area

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function;
and,

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation

of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council of the City of Fort Wayne has before it an Ordinance for the annexation of the Washington Center Road Annexation Area, more specifically described as follows, to-wit:

Part of the Southeast Quarter of Section 16, Township 31 North, Range 12 East; part of the Northeast Quarter of Section 21, Township 31 North, Range 12 East; part of the Southwest Quarter of Section 15, Township 31 North, Range 12 East; and part of the Northwest Quarter of Section 22, Township 31 North, Range 12 East; to-wit;

Beginning at the intersection of the south right-of-way line of Washington Center Road and the east right-of-way line of Conrail's Grand Rapids and Indiana Railroad tracks; thence west along the south right-of-way line of Washington Center Road to the west line of the Northeast Quarter of Section 21, Township 31 North, Range 12 East; thence north on said west line and the west line of the Southeast Quarter of Section 16, Township 31 North, Range 12 East, to the south right-of-way line of Ludwig Road; thence along the south right-of-way line of Ludwig Road to the east right-of-way line of Conrail's Grand Rapids and Indiana Railroad tracks; thence south along the east right-of-way line of said railroad tracks to the point of beginning; area contains 160 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Washington Center Road Annexation, it is the policy of the City of Fort Wayne to follow the provisions of Section 2-1.1 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, with regards to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory, as prepared by the Department of Community Development and Planning, which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the planned services to be provided, the methods of financing these services, the plan for the organization and extension of these services, that planned services of a non-capital nature are to be provided within one (1) year of the effective date of annexation and that capital improvement services are to be provided within three (3) years of the effective date of annexation-these services to be provided consistent with Section 2-1.1 of the Municipal Code and I.C. 36-4-3-13, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force and effect upon the effective date of the Washington Center Road Annexation Ordinance and upon passage and approval by the Mayor.

Janet G. Bradbury
Councilwoman

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 4-26-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-24-83 on the 26th day of April, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of April, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 28th day of April, 1983, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-04-23

RESOLUTION NO. R-26-83

A RESOLUTION FINDING DETERMINING AND
RATIFYING AN INDUCEMENT RESOLUTION OF
THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION AUTHORIZING THE ISSUANCE AND SALE
OF \$767,500.00 ECONOMIC REVENUE BONDS OF
THE CITY OF FORT WAYNE, INDIANA,
FOR THE PURPOSE OF INDUCING THE
APPLICANT, AMERIBANK BUILDING PARTNERSHIP
TO PROCEED WITH THE ACQUISITION
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Ameribank Building Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition and remodeling of warehouse into office building, including costs of issuance, located at 402-408 East Washington Street, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in 25 jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$767,500.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as RESolution No. R-26-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-14

RESOLUTION NO. R-27-83

A RESOLUTION authorizing the City's participation with Allen County, Indiana in a certain development project entered into to obtain jobs for this community

WITNESSETH,

WHEREAS, the City and Allen County, Indiana, have formed the Kekionga Development Corporation, which is an Indiana Not-For-Profit Corporation;

WHEREAS, this Corporation has been formed to promote general economic growth in this community, by enabling the expansion of existing businesses and by attracting new businesses to this area;

WHEREAS, this Corporation shall have a board of directors comprising four (4) members: two (2) board members selected by the Allen County Commissioners and two (2) board members selected by the Mayor, with the chairperson of the Common Council's Finance Committee serving as an ex officio (non voting);

WHEREAS, the City and the County have been negotiating with International Telephone & Telegraph Corporation, Area Space/Optical Division (hereinafter referred to as ITT) with respect to the possibility of ITT expanding its business operations in this area;

WHEREAS, ITT, subject to its ability to obtain the U.S. Government's SINCGARS production project, is willing to add additional capital investment of approximately Ten Million Dollars (\$10,000,000.00) to its operations in this area and is further willing to add approximately Five Hundred Fifty (550) jobs for this community;

WHEREAS, ITT has a present need, for its expansion intensions, of a building of approximately One Hundred Forty-Five Thousand (145,000) square feet;

WHEREAS, construction costs for such a building that would be required to house the expanding needs of ITT would approximate 3.4 Million Dollars, exclusive of land acquisition costs;

WHEREAS, the City and the County, through the Kekionga Development Corporation,

have negotiated with private land owners who are willing to provide approximately seventeen (17) acres to the Kekionga Development Corporation for the construction of a one hundred forty-five thousand (145,000) square feet building to house the expanding needs of ITT;

WHEREAS, ITT is willing to lease said property back from the Kekionga Development Corporation and/or the City and County, and is further willing to commit the addition of five hundred fifty (550) jobs;

WHEREAS, It will be necessary for the County to expand approximately 1.7 Million Dollars for the construction of the building herein referred to, the County's money coming from a state grant which would in turn be given by the County to the Kekionga Development Corporation for construction purposes;

WHEREAS, the City's portion would be 1.7 Million Dollars, coming from unencumbered City Light Lease Funds, which would in turn be given to the Kekionga Development Corporation for construction purposes;

WHEREAS, ITT upon completion of the building would lease said building from the Kekionga Development Corporation and in the event of a default the City and the County would own the real estate and improvements thereon as collateral.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. The City of Fort Wayne, Indiana, is hereby given authority to participate in the Kekionga Development Corporation.

SECTION 2. The City of Fort Wayne, Indiana does hereby commit 1.7 Million Dollars in unencumbered City Light Lease Funds for the purposes of participating in the Kekionga Development Corporation and more specifically for the purposes of constructing, along with the County, a one hundred forty-five thousand (145,000) square foot building to be utilized by ITT.

SECTION 3. The commitment herein made by the City of Fort Wayne, Indiana to expend up to 1.7 Million Dollars of City Light Lease Funds is subject to the following:

- A. The ability of Allen County, Indiana to obtain 1.7 Million Dollars in state grant funds for the purposes herein referred to;
- B. Proper identification and appropriation of the necessary City Light Lease Funds at the time that those funds must be expended by the City;
- C. The execution of a satisfactory lease agreement in which ITT covenants that it will invest approximately Ten Million Dollars (\$10,000,000.00) of capital improvements in this area and that ITT will add approximately five hundred fifty (550) jobs to this community.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

‡ YES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-27-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-07

RESOLUTION NO. R-28-83

A RESOLUTION authorizing the filing
of a Grant Application under the
Urban Park and Recreation Recovery
Act of 1978

WHEREAS, the Urban Park and Recreation Recovery Act of 1978 establishes a grant program to assist communities in rehabilitation of park and recreation systems; and

WHEREAS, the City of Fort Wayne has been determined eligible to apply for funds under the Act.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Fort Wayne, One East Main Street, Fort Wayne, Indiana 46802 that the Parks and Recreation Department through its Mayor Winfield C. Moses, Jr., is authorized and directed to file a grant application for Three Hundred Thousand Dollars (\$300,000.00) to rehabilitate existing parks to provide such additional information as may be required with respect to Fort Wayne's participation in this program.

SECTION 1. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-28-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-06

ZONING MAP ORDINANCE NO. Z-03-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. P-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C (Metropolitan Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

SOUTH ANTHONY SHOPPING CENTER

Part of the Northwest Quarter of Section 31, Township 30 North, Range 13 East in Allen County, Indiana, and more particular described as follows:

Commencing at the intersection of the East right-of-way line of Anthony Boulevard and the South right-of-way line of Decatur Road; thence Southerly along the South right-

way line of Decatur Road, and in a Southwesterly direction to the North right-of-way line of U.S. Highway #27; thence in a Northwesterly direction along the North right-of-way line of U.S. Highway #27 to the East right-of-way line of Anthony Boulevard; thence North along the East right-of-way line of Anthony Boulevard to the point

of beginning, containing approximately 20.48 acres, more or less;

and the symbols of the City of Fort Wayne Zoning Map No. P-31, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby change accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Siter, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-03-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-07

ZONING MAP ORDINANCE NO. Z-04-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-C (Metropolitan Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974:

CASSELWOOD SHOPPING CENTER

Part of the Northwest Quarter Section 29, Township 30 North, Range 13 East, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 29; thence East along the North line of the Northwest Quarter of said Section 29 (centerline of Paulding Road) a distance of 1535 feet to a point; thence South 1 degreee 26 minutes West a distance of 1,129.4 feet to a point; thence South 89 degrees 20 minutes West a distance of 220 feet to a point on the East line of the West half of the Northwest Quarter of said Section 29, said point also being the Northeast corner of the Casselwood Terrace Addition; thence South 89 degrees 23 minutes West along the North line of Casselwood Terrace Addition a distance of 1,313.7 feet to a point on the West line of the Northwest Quarter of said Section 29 (centerline of Hessen Cassel Road); thence North 1 degree 26 minutes East along the West line of the Northwest Quarter of said Section 29 (centerline of Hessen Cassel) a distance of 1,112 feet to the point of beginning;

and the symbols of the City of Fort Wayne Zoning Map No. R-23, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-04-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-10

ZONING MAP ORDINANCE NO. Z-05-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. P-23

BE IT ORDAINED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-B (Community Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

VICTORIA SQUARE SHOPPING CENTER

Part of the fractional NW 1/4 of Section 30, T 30 N, R 13 E, in Allen County, Indiana more particularly described as follows, to-wit: Beginning at a point on the East right-of-way line of Anthony Boulevard, which point is located 857.42 feet South of and 50 feet East of the Northwest corner of the fractional Northwest 1/4 of Section 30, T 30 N, R 13 E, Allen County, Indiana, point also being the Southwest corner of Lot #1 in Victoria Colony Addition to the City of Fort Wayne; thence east along the South lot lines of Lots 1, 2, & 3 in said Victoria Colony Addition a distance of 523 feet to a point, point also being the NW corner of Lot 15 in Victoria Colony Addition, Section 3; thence South and parallel to the West line of said Section 30, T 30 N, R 13 E, a distance of 1159.25 feet to the SW corner of Lot 93 in Victoria Park Section 3, point also being on the North line of Lot #7 in Victoria Park Addition Section 1; thence West along the North lines of lots 1 thru 7 in said Victoria Park Addition Section 1, a distance of 523 feet to the NW corner of Lot #1 in said Victoria Park Addition Section 1, point also being on the East right-of-way line of Anthony Boulevard; thence North along the East right-of-way of Anthony Boulevard to the point of beginning;

and the symbols of the City of Fort Wayne Zoning Map P-23, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuitna, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-05-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-11

ZONING MAP ORDINANCE NO. Z-06-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-38 & Q-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-A (Neighborhood Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

RIVIERA PLAZA

Block E of George L. Ashly Homestead Addition
as recorded in Plat Book 8, Page 84 in the Office of
the Recorder of Allen County, Indiana excluding all
road right-of-ways;

and the symbols of the City of Fort Wayne Zoning Map No. R38 & Q-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-06-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-08

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort
Wayne Zoning Map No. 0-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northeast 1/4 of Section 24, Township 24, North, Range 12 East, more particularly described as follows:

Commencing at a point on the North line of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, situated 896.15 feet West of the Northeast corner of said Section 24, which point is on the centerline of a public highway known as the Washington Center Road; thence South, a distance of 45 feet, to a point on the South right-of-way line of said Washington Center Road, which point is marked by a 1 1/2 inch steel pipe, and which point is the point of beginning and the northeast corner of the real estate herein described; thence West along the aforesaid right-of-way line a distance of 175 feet, to its intersection with the easterly right-of-way line of Indiana State Highway No. 427 (Clinton Street), this point being marked by a 1 1/2 inch steel pipe; thence south 55 degrees 18 minutes west, along the last described line, a distance of 119.48 Concrete marker; thence South 25 degrees Highway Concret marker; thence South 25 degrees 90 minutes West, along the easterly right-of-way line of said State Highway, a distance of 100 feet, to a point by a State Highway concrete marker; thence South 25 degrees 15 minutes west, along the easterly line of said State Highway, a distance of 75 feet, to a point marked by a 1 1/2 inch steel pipe, which point is the southwest corner of the real estate herein deescribed; thence South 89 degrees 02 minutes east, a distance of 305 feet, to a point marked by a 1 1/2 inch steel pipe; thence north 10 degrees 51 minutes East, a distance of 234 feet, to the point of beginning, the area being 1.38 acres more or less

and the symbols of the City of Fort Wayne Zoning Map No. 034, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

AN ORDINANCE amending Chapter 12, of the City of Fort Wayne in the following manner:

- (1) By bringing up-to-date the Fire Prevention Code adopted in Article II of said Chapter 12;
- (2) By adding to said Chapter 12, Article V which adopts certain intent in standards pertaining to compressed natural gas (CNG) vehicle systems fuel and dispensing and bulk storage facilities;
- (3) By adding to said Chapter 12, Article VI which adopts certain standards for buses;
- (4) By adding to said Chapter 12, Article VII which adopts certain standards for the storage and handling of liquefied petroleum gases and to the licensing of facilities for the storage and handling of such gases;
- (5) By adding to said Chapter 12, Article VIII which places upon the Fire Prevention Bureau of the Fort Wayne Fire Department the responsibility for the administration and enforcement of the aforesaid codes and standards;
- (6) By adding to said Chapter 12, Article IX which shall place upon the Fire Prevention Bureau of the Fort Wayne Fire Department the responsibility for reporting changes in the aforesaid codes and standards to the Common Council;
- (7) By adding to said Chapter 12, Article X which provides a severability clause; and
- (8) By adding to said Chapter 12, Article XI which provides certain definitions.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

ARTICLE II

1976 Fire Prevention Code

SECTION 1. There is hereby adopted by the City of Fort Wayne, Indiana, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition thereof as amended and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than two (2) copies of said code have been filed, and shall remain on file in the Office of the Clerk

of the City. Such copies are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect the provisions thereof shall be controlling within the limits of the City.

ARTICLE V

INTERIM STANDARDS FOR
COMPRESSED NATURAL GAS (CNG)
VEHICLE SYSTEMS FUEL DISPENSING
AND BULK STORAGE FACILITIES

SECTION 1. There is hereby further adopted by the City for the aforesaid purpose those certain standards known as the Interim Standards for Compressed Natural Gas (CNG) Vehicle Systems Fuel Dispensing and Bulk Storage Facilities as approved by the Indiana State Fire Prevention Commission and by the Fire Prevention Bureau of the Fort Wayne Fire Department in 1982 save and except such portions as are hereinafter deleted, modified or amended. Not less than two (2) copies of said Interim Standards have been filed, and shall remain on file, in the Office of the Clerk of the City.

ARTICLE VI

MOTOR VEHICLE SAFETY STANDARD NO. 301-75

23
24
25 SECTION 1. There is hereby adopted by the City, for the
26 aforesaid purpose that certain code known as the Motor Vehicle
27 Safety Standard No. 301-75, save and except such portions as are
28 hereinafter deleted, modified or amended, of which safety stan-
29 dards not less than two (2) copies have been and now are filed
30 in the Office of the Clerk of the City. Such copies are hereby
31 adopted and incorporated as fully as if set out at length herein,
32 and from provisions thereof shall be controlling within the limits
of the City.

3
4 SECTION 2. With regard to buses, this article shall
5 apply only to buses which do not operate upon a regular schedule
6 outside the boundaries of Allen County, Indiana, and which accu-
7 mulate at least ten percent (10%) of their total mileage during
8 any calendar year within the boundaries of the City of Fort Wayne,
Allen County, Indiana.

9 SECTION 3. For purposes of this Article VI, the work
10 "buses" shall refer to any vehicle intended for the carriage of
11 six (6) or more passengers, in addition to the driver.

ARTICLE VII

13 AMERICAN NATIONAL STANDARD NFPA 48
14 STORAGE AND HANDLING
15 LIQUEFIED PETROLEUM GASES, 1979

16 SECTION 1. There is hereby adopted by the City, for the
17 purposes of prescribing regulations governing conditions hazardous
18 to life and property from fire or explosion, that certain safety
19 standard known as the American National Standard NFPA 58, Storage
20 and Handling, Liquefied Petroleum Gases, 1979, save and except
21 such portions as are hereinafter deleted, modified or amended,
22 of which safety standard not less than two (2) copies have been
23 and now are filed in the Office of the Clerk of the City. Such
24 copies are hereby adopted and incorporated as fully as if set out
25 at length herein, and from the date on which this article shall
26 take effect, the provisions thereof shall be controlling within
27 the limits of the City.

ARTICLE VIII

29 RESPONSIBILITY FOR
30 ADMINISTRATION AND ENFORCEMENT

31 SECTION 1. Despite any language to the contrary in any
32

2 of the above-cited codes and standards, the Fire Prevention
3 Bureau of the Fort Wayne Fire Department has the responsibility
4 for the administration and enforcement of said codes and stan-
5 dards.
6

ARTICLE IXTHE ADOPTION OF AMENDED CODES,
SAFETY STANDARDS AND OTHER MATERIALS

SECTION 1. It shall be the duty of the Fire Prevention Bureau of the City of Fort Wayne to review all codes, safety standards and other material which are incorporated herein by reference.

SECTION 2. As and when any such codes shall be modified, revised, rewritten, or otherwise changed, said Fire Prevention Bureau shall report said fact to the Common Council so that said Council may incorporate said changes in whole or in part as it sees fit and shall substitute for the two (2) copies of such codes, safety standards, or other material, the modified, revised, rewritten, or otherwise changed code, safety standard, or other material and such substituted code, safety standard, or other material shall thereby be incorporated herein.

ARTICLE X

SEVERABILITY CLAUSE

SECTION 1. In the event one (1) or more articles, sections, paragraphs, sentences, or phrases of this ordinance are held by law to be invalid by a court of competent jurisdiction, or by an administrative agency having jurisdiction in the premises, the remaining portions hereof shall remain in full force and effect.

ARTICLE XI

General Definitions

SECTION 1. As used in this ordinance, the singular includes the plural, and the plural includes the singular. The masculine includes the feminine and the neuter; the feminine includes the masculine and the neuter; and the neuter includes the masculine and feminine. The disjunctive includes the conjunctive, and the conjunctive includes the disjunctive.

ARTICLE XII

SECTION 1. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilmember

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-25

BILL NO. S-83-04-25

SPECIAL ORDINANCE NO. S-83-83
AN ORDINANCE approving a Contract by the
City of Fort Wayne by and through its
Board of Public Works and Hipkind Concrete
Corp., for Improvement Resolution #5965-82
for curbs, sidewalks, wingwalks, &
drive approaches

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipkind Concrete Corp., for:

Improvement Resolution #5965-82 for curbs, sidewalks, wingwalks & drive approaches as follows: MELITA ST. - from Hoagland to 200 ft. East; BASS ST. from Fairfield to Hoagland; HOAGLAND from Melita to Masterson; PRINCE ST. from Bass to its southern terminus (this area shall also be known as HOAGLAND MASTERSON, PHASE I):

involving a total cost of Seventy Thousand Two Hundred Fifteen and No/100 Dollars (\$70,215.00).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Burns, Bradbury, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-83-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-26

SPECIAL ORDINANCE NO. S-84-83

AN ORDINANCE approving a Contract
by the City of Fort Wayne by and
through its Board of Public Works and Rieth-
Riley Const. Co., for Improvement Resolution
#5963-82, for curbs, sidewalks, wingwalks
& drive approaches in Larez Neighborhood
Improvement Phase I

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Rieth-Riley Const. Co., for:

Improvement Resolution #5963-82 for curbs, sidewalks, wingwalks and drive approaches within the limits of the following streets: WOODLAND from the alley West of Clinton to Lafayette St; BARR ST. from Suttentfield to Pontiac (this area shall also be known as LAREZ NEIGHBORHOOD IMPROVEMENT, PHASE I);

involving a total cost of Seventy-Two Thousand Seven Hundred Forty and No/100 Dollars (\$72,740.00).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-84-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-27

SPECIAL ORDINANCE NO. S-85-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and Gaines Construction, for Curb & Sidewalk Improvement Resolution #5962-82, Hamilton Park Neighborhood, Phase I.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gaines Construction, for:

curb and sidewalk improvement Res. #596282
in Hamilton Park Neighborhood, Phase I, as follows: HIGH ST. - both sides, St. Mary's to Sherman; OAKLAND - both sides, Third to High;

involving a total cost of Seventy Thousand Six and 45/100 Dollars (\$70,006.45).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-85-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-28

SPECIAL ORDINANCE NO. S-86-83

AN ORDINANCE approving a Contract
by the City of Fort Wayne by and
through its Board of Public Works
and Gaines Construction, for constructing
curbs and sidewalks for Improvement
Resolution #5961-82

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Gaines Construction, for:

Improvement Resolution #5961-82 for constructing curbs and sidewalks as follows:
(1) FRANCIS - both sides from Lewis on north to Hayden on south; (2) HUGH -
both sides from Francis on west to Harmar on east; ALTERNATE: (1) ELIZA -
both sides from Francis on west to Harmar on east;

involving a total cost of Fifty-Nine Thousand Two Hundred Forty Eight and 80/100 Dollars (\$59,248.80).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-86-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-29

SPECIAL ORDINANCE NO. S-87-83

AN ORDINANCE approving a Contract
by the City of Fort Wayne by and through
its Board of Public Works and
National Serv-All, Inc., for curb and
Sidewalk Improvement for Resolution
#5960-82, Memorial Park Neighborhood
Phase I

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and National Serv-All, Inc., for:

Improvement Resolution #596082 for constructing curbs and sidewalks as follows
in Memorial Park Neighborhood, Phase I: GLASGOW - West from Humphrey on north
to Maumee on south; WABASH - both sides from Humphrey on north to Maumee
on South;

involving a total cost of Forty-Eight Thousand Two Hundred Ninety-Six and 50/100 Dollars (\$48,296.50).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-10-83
Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-87-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-30

SPECIAL ORDINANCE NO. S-88-83

AN ORDINANCE approving a Contract by the City of Fort Wayne by and through its Board of Public Works and National Serv-All, Inc., for Resolution #5964-82, for curbs, sidewalks, wingwalks, & drive approaches, Poplar Neighborhood, Phase I.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain Contract dated April 13, 1983, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and National Serv-All, Inc., for:

Improvement Resolution #596482, for curbs, sidewalks, wingwalks, and drive approaches within the limits of the following streets: POPLAR - from Miner to Fox; WALNUT - from Miner to Fox; MINER from Walnut to Dewald (this area shall also be known as POPLAR NEIGHBORHOOD, PHASE I).

involving a total cost of Fifty-Six Thousand Five Hundred Seventy-Five and No/100 Dollars (\$56,575.00).

SECTION 2. A copy of said Contract is on file in the Office of the Board of Public Works, and is available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-10-83

Nadejda Eshcoff
Acting City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-88-83 on the 10th day of May, 1983.

ATTEST:

(SEAL)

Nadejda Eshcoff
Acting City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff
Acting City Clerk

Approved and signed by me this 12th day of May, 1983, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-03-33 (AS AMENDED)

SPECIAL ORDINANCE NO. S-89-83

AN ORDINANCE approving City Utilities
Purchase Orders and Civil City
Purchase Orders with Computerland, Inc.,
for various departments within the
City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That City Utilities Purchase Orders and Civil City Purchase Orders between the City of Fort Wayne, by and through City Utilities and the Civil City Purchasing Agent, and the Department of Purchasing and Computerland, Inc., awarding of the bid with respect to the purchase of computer equipment for various departments in the City of Fort Wayne, Indiana, all as set forth on in the City of Fort Wayne, Indiana, all as set forth on Exhibit "A" attached hereto and made a part hereof involving a total cost of Thirty-Six Thousand Forty-Nine and 22/100 Dollars (\$36,049.22), all as more partiucularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-89-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-01

SPECIAL ORDINANCE NO. S-90-83

AN ORDINANCE approving Civil City
Purchase Order No. A-25884 by the
City of Fort Wayne by and through its
Board of Aviation and the Department
of Purchasing with D.J. L. Material,
for a crack sealing machine

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. A-25884, between the City of Fort Wayne, Indiana, by and through its Board of Aviation and the Department of Purchasing with D.J. L. Material, respectfully for:

the purchase of a crack sealing machine for the Board of Aviation of the City of Fort Wayne, Indiana, to seal runway joints at Baer and Smith Fields;

involving a total cost of Twelve Thousand Nine Hundred Fifty and No/100 Dollars (\$12,950.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-90-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-02

SPECIAL ORDINANCE NO. S-91-83

AN ORDINANCE approving City Utilities
Purchase Orders #A-31906 & A-31966
by the City of Fort Wayne by and
through its Department of Purchasing
and Hydro Gate Corporation for the Water
Pollution Control Engineering Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities purchase Orders #A-31906 and A-31966, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Hydro Gate Corporation for the Water Pollution Control Engineering Department, respectfully for:

approving the awarding of the bid with respect to the purchase of flapgates for the Water Pollution Control Engineering Department of the City of Fort Wayne, Indiana, to provide better flood control;

involving a total cost of Fifty-Eight Thousand Five Hundred Forty-One and 00/100 Dollars (\$58,541.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. Prior approval was given by Council on April 19 & 26, 1983.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico
NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-91-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-03

SPECIAL ORDINANCE NO. S-92-83

AN ORDINANCE ratifying the bid by the City of Fort Wayne by and through its Park Commissioners and the Department of Purchasing with Michael Kinder & Sons for the renovation of Kettler Pavilion

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the bid, between the City of Fort Wayne, Indiana, by and through its Park Commissioners and the Department of Purchasing with Michael Kinder & Sons, respectfully for:

ratifying the bid for the renovation of Kettler Pavilion damaged by fire on July 16, 1982; insurance settlement for Kettler Pavilion has been received;

involving a total cost of Fourteen Thousand Three Hundred Forty-Five and No/100 Dollars (\$14,345.00), all as more particularly set forth in said bid, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-92-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-04

SPECIAL ORDINANCE NO. S-93-83

AN ORDINANCE approving contract
for the purchase of land by the
Board of Aviation Commissioners

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following contract was entered into between the Board of Aviation Commissioners and Fort Wayne National Bank for the purchase of buildings and land for the expansion of the airport runway approved by the Federal Aviation Administration, ADAP PROJECT #6-18-0022-07:

Contract with Fort Wayne National Bank
for house, barn, garage and shed on three (3) acres located at 9717 Smith Road accepted
April 28, 1983 \$65,000.00

which contract is on file in the Office of the Board of Aviation Commissioners and is by reference incorporated herein, made a part hereof and is in all things ratified, confirmed and approved. Two (2) copies of said contract are also on file in the Office of the City Clerk and are available for public inspection.

SECTION 2. Funds for the purchase of the property were authorized by City Council in Ordinance #A-83-03-03.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-93-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-17

RESOLUTION NO. R-29-83

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to certain accounts within the 1983 budget of the Traffic Engineering Department for the purpose of repairs to such property

WHEREAS, various items of City property have been damaged by certain parties; and

WHEREAS, insurance companies have reimbursed the City of Fort Wayne for such damages and such reimbursements have been received and receipted by the City Controller into the General Fund, Account 010, of the City of Fort Wayne; and

WHEREAS, the Traffic Engineering Department has repaired or replaced such damaged items; and

WHEREAS, I.C. 6-1.-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that these insurance proceeds be used to repair the items damaged.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the following sums of insurance claim proceeds from the General Fund, Account 010, to the following accounts within the 1983 budget of the Traffic Engineering Department:

4262	Vehicle Repair Parts	\$ 2,500.00
4263	Other Equipment Repair Parts	1,000.00
4299	Other Materials and Supplies	<u>23,074.56</u>
	TOTAL	\$26,574.56

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schombrug, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-29-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-05-13 (AS AMENDED)

GENERAL ORDINANCE NO. G-16-83 (as amended)

AN ORDINANCE REQUIRING CERTIFICATION
IN BASIC CARDIAC LIFE SUPPORT
IN CHILD-CARE SITUATIONS

WHEREAS, as a matter of necessity, many children are left in daycare situations while their parent or parents are employed; and,

WHEREAS, the safety of said children is a matter of primary concern in this community; and,

WHEREAS, the state law of Indiana only covers those individuals who provide child care for more than twenty-four (24) continuous hours and more than five (5) children at any time excluding relatives of individuals and who do not care for the children in their homes; and,

WHEREAS, the power to require certification in Cardiopulmonary Resuscitation for certain child-care situations is not expressly denied by the Indiana Constitution or by statute and is not expressly granted to another entity; and,

WHEREAS, the City of Fort Wayne has the power and authority to provide for the care and welfare of said children.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL AS FOLLOWS:

Section 1. Definitions.

(a) Day Nursery: "Day Nursery" means any place or institution operated for hire for the purpose of providing care and maintenance to children separated from their parent, guardian or custodian during a part of the day, except a school or other bona fide educational institution.

(b) Boarding Home for Children: "Boarding Home for Children" means a place operated by a person who for hire, gain or reward has in his custody or control a child unattended by parent, guardian or custodian, except a child related by marriage for the purpose of providing him with care, food and lodging.

(c) Childrens' Home or Child Caring Institution:
 "Childrens' Home or Child Caring Institution" means a childrens' home, orphanage, institution, shelter, care facility or other place maintained or conducted by any group or individual, firm, association, corporation or political subdivision engaged in operating for gain a private business of boarding children who are unattended by a parent, guardian or custodian.

(d) Basic Cardiac Life Support: "Basic Cardiac Life Support" means a program in cardiopulmonary resuscitation and external cardiac massage as offered by either the American Heart Association or the American Red Cross.

Section 2. Certification Required.

It shall be unlawful for any individual, firm, corporation, association or political subdivision to operate or maintain or conduct a boarding home for children or day nursery, a childrens' home or child caring institution without having been first certified in Basic Cardiac Life Support by either the American Red Cross or the American Heart Association. Nothing in this ordinance shall apply to any state institution maintained or operated by the state, or a licensed public or private educational institution.

Section 3. Certification to be Kept Current.

Such individual, firm, corporation, association or political subdivision shall be required to update its certification as required by either the American Heart Association or the American Red Cross.

Section 4. It shall be unlawful for any person, individual, firm, corporation, association or political subdivision to operate and maintain or conduct a boarding home for children, a day nursery or childrens' home or child caring institution without first having obtained Basic Cardiac Life Support certification in compliance with the foregoing provisions of this ordinance and such failure to obtain such license or to operate in accordance with the provisions of this ordinance shall be punished by a fine of not less than \$50.00 or more than \$1,000.00.

Section 5. This ordinance shall be in full force and effect from and after August 1, 1983, upon approval by the Mayor and legal publication thereof.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
 City Clerk

Ben A. Eisbart
 Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
 City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
 Mayor

BILL NO. G-83-04-15

GENERAL ORDINANCE NO. G-14-83

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan
by vacating an alley thereof

WHEREAS, a petition to vacate a public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public alley within the City of Fort Wayne, more specifically described as follows, to-wit:

The portion of that certain 14 foot North-South alley which is bounded on the West by Lots 2 through 15, inclusive, of North & Gallmeyer's First Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 81, and re-recorded in Plat Record 13, page 94, in the Office of the Recorder of Allen County, Indiana, and which is bounded on the East by Lots 16 through 23, inclusive, of North and Gallmeyer's First Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 12, page 81, and re-recorded in Plat Record 13, page 94, in the Office of the Recorder of Allen County, Indiana, said alley to be vacated shown on the site plan attached hereto and made a part hereof;

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor, due public hearing thereon, and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-14-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-05-06

GENERAL ORDINANCE NO. G-15-83

AN ORDINANCE approving expenditure
of Community Development Block Grant
Funds for purchase of property

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Housing and Neighborhood Development Services, Inc. is hereby granted authority to purchase real estate with community block grant funds at 3106 South Monroe Street, Fort Wayne, Indiana, at a price not to exceed Five Thousand Eight Hundred Fifty and No/100 Dollars (\$5,850.00).

SECTION 2. A copy of the Retail Sales Contract involving this real estate is attached hereto, made a part hereof, and is hereby in all things reatified, confirmed and approved. Two (2) copies of said Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-15-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. Z-83-04-09

ZONING MAP ORDINANCE NO. Z-07-83

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

The East 105 feet of Lot #12 Owen E. and Tillie C. Garman's Addition to the City of Fort Wayne, Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. 011, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-07-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-32

RESOLUTION NO. R-30-83

A RESOLUTION affirming the City's
position with respect to the Appropriation
of Three Hundred Sixty-Five
Thousand and No/100 Dollars
(\$365,000.00) of Revenue Sharing
Monies for various unemployment
assistance programs

WHEREAS, this Council previously passed, unanimously, Appropriation Ordinance #A-08-83, appropriating funds from the Revenue Sharing Trust Fund to various accounts within the 1983 budget;

WHEREAS, this Ordinance was passed by the Common Council, unanimously on March 22, 1983, and was then signed by the Mayor on March 23, 1983;

WHEREAS, this Ordinance was then submitted to the Indiana State Board of Tax Commissioners pursuant to I.C. 6-1.1-18-5.

WHEREAS, on April 21, 1983 the Indiana State Board of Tax Commissioners denied this Council's request for an additional Appropriation with respect to Three Hundred Sixty-Five Thousand and No/100 Dollars (\$365,000.00) of Federal Revenue Sharing Monies, to be utilized by the City, for various unemployment assistance programs and to be further utilized for the benefit of the citizens of this community;

WHEREAS, the Administration, after April 21, 1983, contacted the Indiana State Board of Tax Commissioners and requested a "reconsideration" of the decision as originally made by the Indiana State Board of Tax Commissioners;

WHEREAS, such reconsideration request, as made by the Administration, was denied by

the Indiana State Board of Tax Commissioners;

WHEREAS, it is the belief of this Council and the Executive Branch of the City of Fort Wayne, Indiana, that the Common Council has full and complete authority to make the Appropriations herein referred to and that such Appropriations are in the best interests of the citizens of this community;

WHEREAS, no further administrative appeal rights are available to the City and accordingly it has been necessary for the City to file suit against the Indiana State Board of Tax Commissioners;

WHEREAS, such lawsuit was filed in the Allen Superior Court, Allen County, Indiana on Thursday, May 19, 1983, and docketed as Cause Number S-83-1464;

WHEREAS, this lawsuit was filed only after the Indiana State Board of Tax Commissioners refused to reconsider the City's request for appropriation of the Three Hundred Sixty-Five Thousand and No/100 Dollars (\$365,000.00) of said Revenue Sharing Monies.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City does hereby reaffirm its position with respect to the appropriation of Three Hundred Sixty-Five Thousand and No/100 Dollars (\$365,000.00) of Revenue Sharing Monies for the purpose of benefiting citizens of this community.

SECTION 2. That the Common Council does further note that such an Appropriation in no way increases the taxes of citizens of this community but rather that such appropriation simply makes possible the spending of monies provided to the City of Fort Wayne, Indiana by the federal government.

SECTION 3. That the council herein affirms supports and adopts the City's position as outlined in the lawsuit filed against the Indiana State Board of Tax Commissioners so that the Appropriation in question may be made to and for the benefit of the citizens of this community.

SECTION 4. That the Council restates its policy of assisting persons residing in this community.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Eisbart, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Seven
Bradbury, Burns, Eisbart, GiaQuinta, Scruggs, Stier, Talarico
NAYS: Two
Schmidt, Schomburg

Date: 5-24-83
Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-30-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-08

SPECIAL ORDINANCE NO. S-94-83'

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works and
Tomco Construction, Inc., for
Res. #5967-83, curbs, sidewalks &
drive approaches, Pontiac Place
Greater McMillen

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne, by and through its Board of Public Works and Tomco Construction, Inc., for Res. #5967-83, Pontiac Place, Greater McMillen, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

curbs, sidewalks & drive approaches where
needed within the limits of the following
streets:

GREATER McMILLEN, 1 Abbott, from Pontiac

to Manford:
Queen, from Pontiac
to Manford

PONTIAC PLACE, I

Alexander, from Pontiac
to Colerick;
Plaza, from Pontiac to
Colerick S.W. corner
Euclid & Drexel;

the Contract price is One Hundred Seventeen Thousand Six Hundred Ninety and 05/100 Dollars (\$117,690.05).

SECTION 2. Prior approval was received from Council with respect to this Contract on March 21, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-94-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-09

SPECIAL ORDINANCE NO. S-95-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and John Dehner, Inc., for Res. #386-83,
60" Berry St. Sewer Abandonment &
Reconnection Project, DSR 043097

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and
through its Board of Public Works and John Dehner, Inc., for Res. #38683, 60" Berry St. Sewer Abandonment
& Reconnection Project DSR 043097, is hereby ratified and affirmed and approved in all respects. The
work under said Contract requires:

contract with John Dehner, Inc., for Res. #386-83, 60" Berry Street Sewer Abandon-
ment & Reconnection Project, Federal Emer
gency Management Agency Damage Survey Report #043097. This work requires
the installation of new sewers and appurtenances along with grouting, bulk heads,
surface restoration and temporary sheeting;

the Contract price is Two Hundred Forty-Nine Thousand Four Hundred Forty and 70/100 Dollars (\$249,440.70).

SECTION 2. Prior approval was received from Council with respect to this Contract on
April 11, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk and are
available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly
adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special
Ordinance No. S-95-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May,
1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-10

SPECIAL ORDINANCE NO. S-96-83

AN ORDINANCE approving Change Order
No. 1, Resolution #5942-82, 1982
Flood Damage, Dwenger Ave., with
Brooks Construction in connection
with the Board of Public Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Resolution No. 5942-82, 1982 Flood Damage, Dwenger
Ave., with Brooks Construction Company, in connection with the Board of Public Works for:

necessity for change on this project: Res. 5942-82 was bid 7/14/82. The Special
Provisions and Contract stated that work start immediately and be completed by 9/30/82
with a \$100.00/day fine for failure to comply. Due to extensive sewer work in the
area necessitated by flood damage, work had to be delayed for a full year. In this
time frame, asphalt price increased 101%, wages and benefits 13.3% and gas price
for drying aggregate 23.5%, thus justifying this Contract price increase. Item 12
"Holes for underseal" was not included in the original Estimate of Quantities but
is required to underseal the pavement;

involving a net increase in the amount of Five Thousand Eleven and 90/100 Dollars (\$5,011.90) all as
more particularly set forth in the specifications, and which is on file with the Office of the Board of
Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly
adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special
Ordinance No. S-96-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May,
1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-11

SPECIAL ORDINANCE NO. S-97-83

AN ORDINANCE approving Change Order No. 3 and FINAL, Resolution 232-80, "Spy Run Interconnect", Project No. C-180599-07, with Waynesfield Construction, Inc., in connection with the Board of Public Works

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 and FINAL, " Spy Run Interconnect", Resolution 323-80, Project No. C-180599-07, with Waynesfield Construction, Inc., in connection with the Board of Public Works, for:

close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net increase in the amount of Sixteen Thousand Two Hundred Forty-Eight and 32/100 (\$16,248.32) all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-97-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-12

SPECIAL ORDINANCE NO. S-98-83

AN ORDINANCE approving Change Order
No. 2 and FINAL, Resolution No. 329-80,
"Neuhaus - Feichter's", Project No.
C-180599-07, with Scheidleman Excavating,
Inc., in connection with the Board of
Public Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and FINAL, Resolution No. 329-80, "Neuhaus - Feichter's",
Project No. C-180599-07, with Scheidleman Excavating, Inc., in connection with the Board of Public
Works, for:

close out change order to adjust the estimated quantities in the contract unit price
to agree with actual quantities installed under this project;

involving a net decrease in the amount of Two Thousand Two Hundred Ninety-Five and 07/100 Dollars
(\$2,295.07) all as more particularly set forth in the specifications, and which is on file with the Office
of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby
in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage
and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly
adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-24-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special
Ordinance No. S-98-83 on the 24th day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of May,
1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 26th day of May, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-04-31 (AS AMENDED) (AS AMENDED) (AS AMENDED)

RESOLUTION NO. R-LOST

A Resolution requiring review,
examination and comment by
Common Council concerning
expenditures for consultants

WHEREAS, it is in the public interest to be apprised of the expenditure of funds by the City of Fort Wayne, Indiana; and,

WHEREAS, it is the function of the Common Council of the City of Fort Wayne, Indiana, to authorize the appropriation of such funds; and

WHEREAS, deliberation by the Common Council is given to the annual public budget which budget is a compilation of line items for expenditure of funds of the City of Fort Wayne; and,

WHEREAS, such line items for such expenditures do not specify the individuals, the firms or the organizations employed by the City of Fort Wayne, Indiana.

NOW THEREFORE BE IT RESOLVED: that before the City of Fort Wayne and the Fort Wayne City Utilities shall engage in expenditures for consultant's fees, and legal fees except in the case of an emergency, the executive branch of the government of the City of Fort Wayne, Indiana, shall cause to be drafted and presented to said Common Council for its review, comment, and examination sufficient detail concerning the need for such consultant's services.

Upon the award of a contract for a consultant's services, including legal fees the said Common Council will be promptly advised and said Common Council may require such progress reports from such consultant as it deems necessary.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. LOST by the following vote:

AYES: Four

Burns, Schmidt, Schomburg, Talarico

NAYS: Five

Bradbury, Eisbart, GiaQuinta, Scruggs, Stier

Date: 5-24-83

Sandra E. Kennedy
City Clerk

ORDINANCE LOST FOUR AYES & FIVE NAYS

MAYOR'S VETO UPHELD

BILL NO. R-83-05-37

RESOLUTION NO. R-31-83

A RESOLUTION authorizing the City
of Fort Wayne, Indiana, to make
application to the United States
Department of Commerce, Economic
Development Administration (EDA)
for a Federal Government Grant
and further resolving and certifying
that the City has monies
available as a match to be applied
towards the EDA Grant

WHEREAS, the Economic Development Department of the City of Fort Wayne, Indiana, has, as one of its responsibilities, the task of obtaining for this community additional businesses and jobs;

WHEREAS, it has been determined that the attraction of new businesses and jobs would be enhanced by the existence of a high quality industrial park;

WHEREAS, a logical site for such an industrial park would be approximately ninety-five (95) acres located at Cook and Chalfant Roads, Allen County, Indiana;

WHEREAS, this site is commonly known as the "Cook Road Industrial Park; "

WHEREAS, the owners of this property are willing to grant to the City and/or a Not-For Profit Development Corporation an option to acquire this land;

WHEREAS, this land will be annexed into the City of Fort Wayne, Indiana, with annexation proceedings commencing in December, 1983;

WHEREAS, the proposed site does require certain "water improvements" such as a water tank and pumping station and water main extention before such site is operational from a development standpoint;

WHEREAS, the Economic Development Department has ascertained that the Economic Development Administration has additional funding available that must be expended by the Economic Development Administration by September, 1983, and that further the Economic Development Department has determined that such additional funding may be obtained to finance the necessary water improvements for the industrial park herein referred to:

WHEREAS, representatives from the City Economic Development Department have met and conferred with Economic Development Administration officials who have represented that the Economic Development Administration will provide a grant to pay for seventy percent (70%) of the costs of such needed water improvements, as long as a thirty percent (30%) match can be made by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Authority is hereby given for the City to make application to the Economic Development Administration for a sevety percent (70%) Economic Development Administration grant, said grant amounting to One Million Seven Hundred Forty Thousand Eight Hundred Seventy-Five and No/100 Dollars (\$1,740,875.00) payable by the Federal Government for the water improvements. The Mayor of the City of Fort Wayne, Indiana, is hereby empowered to sign such application and/or accompanying documents and to submit same to the Economic Development Administration. A Copy of the Application Summary Sheet is attached hereto as a part hereof as Exhibit A.

SECTION 2. It is hereby resolved and certified by the Council that the City does have available its "match" requirement of Seven Hundred Forty-Six Thousand Eighty-Nine and No/100 Dollars (\$746,089.00), comprised of: cash on hand in the City Utilities of Four Hundred Ninety-Six Thousand Eighty-Nine and No/100 Dollars (\$496,089.00); and a Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) "in-kind" contribution.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 5-31-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-31-83 on the 31st day of May, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of June, 1983, at the hour of 9:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 2nd day of June, 1983, at the hour of 12:30 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-34

RESOLUTION NO. R-32-83

A RESOLUTION authorizing the submission of a final statement of community development objectives, projected use of funds, and required certifications to the U.S. Department of Housing and Urban Development as

required for the City of Fort Wayne to receive its Emergency Jobs Bill Community Development Block Grant Entitlement

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the housing and Community Development Act of 1980, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the City's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and with Department of Community Development and Planning staff to properly complete the attached entitlement submission for the emergency Jobs Bill Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the attached submission of a budget which includes One Million Three Hundred Thirty-Five Thousand and No/100 Dollars (\$1,335,000.00) in Emergency Jobs Bill entitlement funds and the accompanying certifications be approved and forwarded to the U.S. Department of Housing and Urban Development under the signature of Mayor Win Moses, Jr.

SECTION 2. That Mayor Win Moses, Jr., in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

SECTION 3. That the Common Council by its approval of this application hereby affirms its intent to reduce and eliminate urban blight within the City of Fort Wayne, Indiana.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Seven

Bradbury, Burns, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

ABSENT: Two

Eisbart, GiaQuinta

Date: 6-7-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-32-83 on the 7th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of June, 1983, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 9th day of June, 1983, at the hour of 12:00 o'clock noon E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-04-20 (as amended)

SPECIAL ORDINANCE NO. 99-83

AMENDED

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,420,000 ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, IN ORDER TO ASSIST HEALTH CARE FUND IN THE FINANCING OF COSTS OF AN ECONOMIC DEVELOPMENT FACILITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LOAN AGREEMENT WITH RESPECT TO THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT WITH THE ORIGINAL PURCHASER; AND AUTHORIZING THE ASSIGNMENT BY THE CITY OF A NOTE AND LOAN AGREEMENT.

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "Issuer") is by virtue of the laws of Indiana, including Indiana Code 36-7-12, as amended, authorized and empowered, among other things, (a) to issue revenue bonds in order to assist in the financing of costs of economic development facilities located within the boundaries of the Issuer, (b) to enter into an agreement with the user of such facilities providing for revenues sufficient to pay the principal of and interest and any premium on such revenue bonds, (c) to secure such revenue bonds by a trust agreement between the Issuer and a corporate trustee, and by a pledge and assignment of such revenues, as provided for herein, and (d) to enact this Bond Legislation and enter into the Indenture and the Loan Agreement, as hereinafter identified, upon the terms and conditions provided therein; and

WHEREAS, HEALTH CARE FUND is a business trust duly organized and existing under and by virtue of the laws of the State of Ohio and qualified to do business in the State of Indiana; and

WHEREAS, it is hereby determined by this Legislative Authority that the acquisition, construction, and equipping of the Project by the Company, as hereinafter defined, including the financing thereof will require the issuance, sale and delivery of Project Bonds in the principal amount of \$1,420,000 and hereafter may require the Issuer's issuance, sale and delivery of Additional Bonds on a parity therewith, all of which Bonds shall be equally and ratably payable and secured as provided herein and in the Indenture authorized herein;

NOW THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Bond Legislation or in the Agreement and used herein as defined words and terms, the following words and terms as used in this Bond Legislation and in the Indenture authorized herein shall have the following meanings unless the context or use clearly indicates another or different meaning or intent:

"Act" means Indiana Code 36-7-12, as enacted and amended.

"Additional Bonds" means Bonds issued pursuant to Section 7 of this Bond Legislation.

"Agreement" means the Loan Agreement, provided for in Section 11 hereof, between the Issuer and the Company, dated as of June 1, 1983, as the same may be duly amended, modified or supplemented in accordance with the provisions thereof.

"Assignment" means the Assignment of Rents and Leases, of even date with the Agreement, from the Company to the Trustee.

"Bonds" means the Project Bonds and any Additional Bonds issued and to be issued pursuant to the Indenture.

"Bond Fund" means the Bond Fund created by Section 6 hereof.

"Bond Fund Payment" means as to the Project Bonds an amount equal to the interest accrued on the Project Bonds from their date to the date of their delivery to the Original Purchaser and payment therefor and as to the Additional Bonds the amount specified in the Bond Legislation authorizing such Additional Bonds, provided that the Bond Fund Payment for any Additional Bonds shall not be less than an amount equal to the interest accrued on such Additional Bonds from their date to the date of delivery of such Additional Bonds to their Original Purchaser and payment therefor.

"Bondholder" or "holder" or "holder of Bonds" means any person who is the bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer, or the person in whose name a registered Bond is registered, and "holder" when used with reference to a coupon means the bearer of the coupon.

"Bond Legislation" means this ordinance authorizing the Project Bonds, except that when used with reference to an issue of Additional Bonds it shall mean this Bond Legislation to the extent applicable and the other legislation providing for the issuance of such Additional Bonds, and except that when used with reference to Bonds when Additional Bonds are outstanding it shall mean this Bond Legislation and the Bond Legislation providing for the issuance of Additional Bonds, all as the same may from time to time be lawfully amended, modified or supplemented.

"Bond Purchase Agreement" means the bond purchase agreement, by and between the Issuer, the Company and the Original Purchaser, pertaining to the purchase of the Project Bonds.

"Bond service charges" for any time period means the principal, including any mandatory sinking fund

requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period.

"City Clerk" means the City Clerk or acting City Clerk of the Issuer.

"Code" means the Internal Revenue Code of 1954, as amended, and with respect to a specific section thereof such reference shall be deemed to include (i) the regulations promulgated under such section, (ii) any successor provision of similar import hereafter enacted, (iii) any corresponding provisions of any subsequent Internal Revenue Code, and (iv) the regulations promulgated under the provisions described in (ii) and (iii).

"Commission" means the Fort Wayne, Indiana Economic Development Commission.

"Company" means Health Care Fund, an unincorporated Ohio business trust operating as a real estate investment trust pursuant to Sections 856 to 860, inclusive, of the Code and its successors and assigns including any surviving, resulting or transferee entity as provided in Section 6.3 of the Agreement.

"Construction Fund" means the Construction Fund created by Section 5 hereof.

"Coupon" or "interest coupon" means a coupon issued hereunder evidencing an installment of interest on a coupon Bond.

"Coupon bond registered as to principal" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"Determination of Taxability" means the final adoption of legislation or regulations or a final determination, decision, decree, ruling or technical advice by any judicial or administrative authority or by the Internal Revenue Service as a result of the limitations prescribed in Section 103(b)(6) of the Code having been exceeded, any of which has the effect of requiring interest on the Bonds to be included in the gross income for Federal income tax purposes of the holder or registered owner of the Bonds (other than a holder or registered owner who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103(b)(13) of the Code). A decision or ruling by any judicial or administrative authority shall not be considered final for the purposes of this definition until the expiration or waiver of all periods for judicial review or appeal, as the case may be, in which review or appeal the Company has participated or has had an opportunity to participate. Such determination shall be deemed to have occurred upon receipt by the Trustee of evidence thereof.

"Eligible Investments" means (i) obligations issued or guaranteed by the United States of America, or by any person controlled or supervised by and acting as an

instrumentality of the United States pursuant to the authority granted by Congress, the payment of the principal and interest of which is fully and unconditionally guaranteed by the United States of America; (ii) obligations issued or guaranteed by any state or political subdivision thereof rated A or higher by Moody's Investors Service, Inc. or by Standard & Poor's Corporation, both of New York, New York, or their successors; (iii) open market commercial or finance paper of any corporation having a net worth in excess of \$100,000,000 and which is rated either P-1 or A-1 or an equivalent by Moody's Investors Service, Inc. or Standard & Poor's Corporation, both of New York, New York, or their successors; (iv) investments due within 12 months in certificates of deposit issued by, or bankers' acceptances of, the Trustee, or of banks, savings banks, savings and loan associations or trust companies organized under the laws of the United States of America or any state thereof, which must have a reported capital and surplus of at least \$10,000,000 in dollars of the United States of America; (v) regular savings accounts of bank or trust companies, including the Trustee, or of savings and loan or building and loan associations, organized under the laws of the United States of America or of the State, which institution has a reported capital and surplus of at least \$10,000,000 in dollars of the United States of America; provided, however, that at no time shall any sum in excess of \$5,000 be invested in any savings account; (vi) repurchase agreements, including the Trustee's, fully secured by obligations of the type specified in (i) above; and (vii) regulated money market funds invested in United States government obligations; provided that any such investment or deposit is not prohibited by law.

"Event of Taxability" means the date on which the interest payable on the Bonds becoming includable in the gross income for federal income tax purposes of the holder or registered owner of the Bonds (other than a holder or registered owner who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103(b)(13) of the Code).

"Executive" means the Mayor of the Issuer.

"Indenture" means the Trust Indenture, provided for in Section 10 hereof, between the Issuer and the Trustee, of even date with the Agreement, including this Bond Legislation as part thereof, as the same may be amended, modified or supplemented in accordance with the provisions thereof.

"Lease" means the lease agreement to be executed between the Company and the Lessee pursuant to which the Project will be leased for operation by the Lessee, which Lease shall be subordinate to the Mortgage.

"Legislative Authority" means the Common Council of the Issuer.

"Lessee" means Cal-Temp Manor, Inc., an Indiana corporation (which proposes to enter into the Lease with the Company), and any other lessee of the Company or any subsequent assignee of the initial Lessee.

"Loan" means the loan by the Issuer to the Company of the proceeds from the sale of the Project Bonds to the Original Purchaser, after deducting the Bond Fund Payment, as the same may hereafter be increased from the proceeds from the sale of Additional Bonds.

"Loan Payments" means the amounts required to be paid by the provisions of Section 2.1 of the Agreement, as the same may hereafter be amended or supplemented, in repayment of the Loan.

"Mandatory Redemption Date" means May 1 of the years, and as to any Additional Bonds, the date or dates specified in the applicable Bond Legislation on which such Additional Bonds are to be retired pursuant to mandatory sinking fund requirements. As appropriate, the maturity date denoting a particular series of Project Bonds shall be used in conjunction with the term "Mandatory Redemption Date".

"Mandatory sinking fund requirements" means amounts required by any Bond Legislation to be deposited in the Bond Fund for the purpose of retiring, on a specified date, principal maturities of Bonds which by their terms are due and payable, if not called for prior redemption, at a subsequent date.

"Mortgage" means the Mortgage and Security Agreement pertaining to the Project Site and the Project from the Company, as mortgagor, to the Trustee, as mortgagee and secured party, of even date with the Agreement, and any amendment and supplements thereto.

"Note" or "Notes" means the Promissory Note of even date with the Agreement constituting an unconditional promise of the Company to repay the Loan to the Issuer, and in the form of Note attached as Exhibit A to the Agreement, and any additional promissory Note or Notes executed and delivered with respect to Additional Bonds.

"Original Purchaser" means, as to the Project Bonds, Raymond, James & Associates, Inc. and, as to Additional Bonds, the person or persons identified as such in the Bond Legislation providing for the issuance of such Additional Bonds.

"Pledged Receipts" means (a) the Loan Payments, including the payments of principal of and interest and any premium on the Note, (b) subject to the provisions of Sections 3.04 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of the holders of particular Bonds, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, pursuant to the Agreement or in respect to the Loan, (c) the proceeds of the Bonds including all moneys deposited in the Construction Fund and (d) the income and profit from the investment of the Loan Payments, any other moneys held by the Trustee under the Indenture, and the moneys deposited in the Construction Fund.

"Project" means the real, personal, or real and personal property, including undivided or other interests therein, identified in Exhibit B to the Agreement, in or pursuant to any amendments to the Agreement, and in the certificate of the Project Supervisor given pursuant to Section 3.3 of the Agreement, and acquired, constructed or installed in replacement or substitution therefor or in addition thereto, and as may result from a revision of the Plans and Specifications (as defined in the Agreement) in accordance with the provisions of the Agreement.

"Project Bonds" means the Bonds authorized in Section 3 hereof and designated "Economic Development Revenue Bonds (Health Care Fund Project)".

"Project Purposes" means the purposes of an economic development facility as described in the Act.

"Project Site" means the real estate constituting the site of and a part of the Project, which real estate is described in Exhibit C to the Agreement.

"Registered Bonds" means Bonds registered in the name of the holder, including coupon Bonds registered as to principal (except to bearer).

"State" means the State of Indiana.

"Trustee" means the Trustee at the time serving under the Indenture, originally Anthony Wayne Bank, Fort Wayne, Indiana, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, to the Legislative Authority, or to any officers thereof, shall include any entity which succeeds to its or their functions, duties or responsibilities pursuant to or by operation of law. Any reference to a section or provision of the Act shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change (a) shall alter the obligation to pay the Bond service charges in the amounts and manner, at the times, and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted or (b) shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement or the Indenture.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof", "hereby", "hereto", "hereunder", and similar terms, mean this Bond Legislation and the Indenture.

Section 2. Findings and Determinations of Legislative Authority. The Legislative Authority hereby determines:

- (a) that the initial resolution adopted by the Commission on March 3, 1983, and the initial resolution of the Legislative Authority adopted on March 22, 1983, are hereby found to be in the best interest of the Issuer and are in all respects approved, ratified, confirmed, readopted and declared to be and remain in full force and effect;
- (b) that the financing of the Project, previously approved by the Commission and recommended to the Legislative Authority, the issuance and sale of the Bonds, the use of the net proceeds thereof to make a loan to the Company for the acquisition, construction and equipping of the Project, and the payment of the Bonds by the payments of the Company under the Loan Agreement will be of benefit to the health and welfare of the Issuer, and its citizens, in furtherance of the purposes of the Act;
- (c) that the financing of the Project by the Issuer complies in every respect with the purposes and provisions of the Act; and
- (d) that the Project will not have an adverse competitive effect on similar facilities already constructed and operating in Allen County, Indiana.
- (e) based upon representations made by the Company to the Issuer, the Issuer hereby determines that the aggregate cost of the Project will be not less than \$1,420,000.

In support of the determination set forth in paragraph (d) above, the Legislative Authority is relying on the evidence presented to the Commission and contained in the minutes of its meetings on April 7 and May 5, 1983.

Section 3. Authorization and Terms of Project Bonds. It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, \$1,420,000 aggregate principal amount of Project Bonds for the purpose of making a loan to assist the Company in the financing of costs of acquiring, constructing, and equipping the Project and the Project Site to be owned by the Company and used by the Company for the Project Purposes, including costs incidental thereto and to the financing thereof. The Project Bonds shall be designated "City of Fort Wayne, Indiana, Economic Development Revenue Bonds (Health Care Fund Project)". The Issuer may also issue, sell and deliver Additional Bonds on a parity with the Project Bonds for the purposes and in the manner provided in Section 7 of this Bond Legislation.

The Project Bonds shall initially be issued in coupon form and shall be exchangeable for registered or

coupon Bonds in the manner and on the terms provided in the Indenture. Project Bonds in coupon form shall be in the denomination of \$5,000 each, shall be registrable as to principal, shall be dated as of June 1, 1983 and shall be numbered from 1 upwards inclusive.

The Project Bonds shall bear interest from their respective dates at the rates per annum indicated in the schedule below, payable semiannually on June 1 and December 1 of each year, commencing December 1, 1983. The Project Bonds shall mature in accordance with the schedule below.

In the event the Company exercises its option to prepay the Loan as provided in Section 8.2 of the Agreement, the Project Bonds are subject to extraordinary optional redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 100% of the principal amount thereof plus accrued interest to the redemption date. Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall exercise its option to prepay the Loan pursuant to Section 8.2 of the Agreement and shall concurrently prepay the Note (or, as provided in said Section 8.4, selection of a prepayment date by the Trustee), shall constitute the direction from the Issuer to the Trustee to call all the then outstanding Project Bonds for extraordinary optional redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

In the event that the Lessee exercises its option to purchase the Project (excluding any assumption, but including any installment purchase in connection with any assumption) as provided in the Lease, the Project Bonds are subject to special mandatory redemption at prepayment prices determined in accordance with the optional redemption price table hereinafter set forth, plus in each case accrued interest to the date of redemption; provided, however, that if the Lessee makes an installment purchase, such redemption shall be made only to the extent that the partial payment of the installment purchase price exceeds the amount of the funds contributed to the Project or to costs of the issuance of the Project Bonds by the Company from sources other than the Loan.

The Project Bonds are also subject to special mandatory redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 100% of the principal amount thereof plus accrued interest to the redemption date if and when (i) the Agreement shall have become void or unenforceable or impossible of performance in accordance with the intent and purpose of the parties as expressed in the Agreement by reason of any changes in the Constitution of the State or the Constitution of the United States of America or by reason of legislative or administrative action (whether state or federal) or any final decree, judgment or order of any court or administrative body (whether state or federal) entered after the contest thereof by the Issuer or the Company in good faith to such extent that the Note and the obligations evidenced thereby are no longer enforceable by the holder thereof, or (ii)

interest on the Project Bonds shall have become subject to federal income tax because of a Determination of Taxability which is unrelated to any default by the Company under Section 6.8 of the Agreement. In the event that interest on the Project Bonds becomes subject to federal income tax because of a Determination of Taxability as a result of a default by the Company under Section 6.8 of the Agreement, the Project Bonds shall be subject to special mandatory redemption by the Issuer prior to stated maturity at any time in whole at a redemption price of 105% of the principal amount thereof plus accrued interest to the redemption date. The redemption price payable with respect to a redemption resulting from a Determination of Taxability shall be increased by an amount equal to 1-1/2% of the principal amount of all Project Bonds then outstanding for each six-month period, or any part thereof, from the date of the Event of Taxability to the date of redemption. With respect to Project Bonds not outstanding on the date of the Determination of Taxability, but which were outstanding on the date of the Event of Taxability, the redemption price shall be increased by an amount equal to 1-1/2% of the principal amount of each of such Project Bonds for each six-month period, or any part thereof, elapsed between the date of the Event of Taxability and the date that such Project Bond was paid or redeemed. Any such redemption shall be made not more than 180 days following the effective date of any such constitutional amendment, legislation, administrative action or final decree, judgment or order, or following the date of the Determination of Taxability (excluding any final determination that interest is subject to federal income tax with respect to any Bond held by a "substantial user" of the Project or by a "related person" thereof, as those terms are used in Section 103(b)(13) of the Code). Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall prepay the Loan in full as required under Section 8.3 of the Agreement and shall concurrently prepay the Note, shall constitute the direction from the Issuer to the Trustee to call all the then outstanding Project Bonds for special mandatory redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

The Bonds maturing on June 1, 1998 and on June 1, 2003 are also subject to mandatory redemption by the Issuer, pursuant to the mandatory sinking fund requirements provided in Section 6 hereof, on each Mandatory Redemption Date at a price equal to 100% of the principal amount thereof plus accrued interest to the redemption date.

The Bonds are also subject to optional redemption in whole or in part by the Issuer at the direction of the Company at any time on or after June 1, 1989, upon not less than 30 nor more than 60 days' notice, at the redemption prices (expressed as percentages of the principal amounts thereof) set forth below, plus accrued interest to the redemption date:

Maturity Year	Principal Amount Maturing June 1	Interest Rates	Optional Redemption Price Commencing June 1 in Year Shown
1989	\$ 45,000	9.25%	103%
1990	45,000	9.50%	103%
1991	50,000	9.75%	103%
1992	55,000	10.00%	102%
1993	60,000	10.25%	102%
1994	-	-	101%
1995	-	-	101%
1996	-	-	100%
1998	430,000	11.00%	
2003	735,000	12.00%	

Notice from the Company to the Trustee pursuant to Section 8.4 of the Agreement that the Company shall exercise its option to prepay all or any portion (in amounts of \$5,000 or any integral multiple thereof) of the Loan Payments pursuant to Section 8.2 of the Agreement shall constitute the direction from the Issuer to the Trustee to call an equivalent principal amount of then outstanding Project Bonds for optional redemption pursuant to this paragraph, and no separate notice from the Issuer to the Trustee shall be required.

If less than the entire unmatured portion of the Project Bonds shall be called for redemption at any time or from time to time (otherwise than pursuant to any mandatory sinking fund provisions hereof) they shall be called in inverse order of the maturities of the Project Bonds at the time outstanding; and if less than all of the Project Bonds outstanding of one maturity are to be called, the selection of such Project Bonds or portions of fully registered Project Bonds of such maturity to be called shall be made by lot by the Trustee in such manner as the Trustee may determine.

Notice of the call for any redemption of Project Bonds shall be given in accordance with the provisions of Section 3.03 of the Indenture.

Bond service charges on Project Bonds shall be payable, without deduction for services as paying agent, at the corporate trust office of the Trustee.

The Project Bonds shall be executed by the Executive of the Issuer, and the Issuer's seal shall be impressed or reproduced thereon and attested by the City Clerk, provided that either or both of the Executive's and City Clerk's signatures may be facsimiles, and the interest coupons attached thereto, in the case of coupon Project Bonds, shall bear the facsimile signatures of the Executive and the City Clerk. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or coupons shall cease to be such officer before the issuance, authentication or delivery of such Bonds or coupons, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until that time.

All Bonds shall be negotiable instruments within the meaning of Uniform Commercial Code, as adopted in the State, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

If Bonds are duly called for redemption and if on such redemption date moneys for the redemption of all the Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee or Paying Agents so as to be available therefor, then from and after such redemption date such Bonds shall cease to bear interest and any coupons for interest thereon maturing subsequent to the redemption date shall be void.

Section 4. Security Pledged for Bonds. As provided herein, the Bonds shall be equally and ratably payable solely from the Pledged Receipts and secured by a pledge of and lien on moneys deposited in the Construction Fund and Bond Fund and a pledge and assignment of other moneys constituting Pledged Receipts, and further secured by the Indenture and by the pledge and assignment therein of the Note and of all right, title and interest of the Issuer in, to and under the Loan Agreement. The Bonds are further secured by the Mortgage and the Assignment. Anything in the Bond Legislation, the Bonds or the Indenture to the contrary notwithstanding, neither the Bond Legislation, the Bonds, nor the Indenture shall constitute a debt or a pledge of the faith and credit of the Issuer, the State of Indiana or of any political subdivision thereof and the holders or owners of the Bonds shall have no right to have taxes levied by the State or by any political subdivision of the State for the payment of the principal of, premium, if any, or interest on the Bonds, but such Bonds are payable solely from the Pledged Receipts and the Bonds shall contain on the face thereof a statement to that effect; provided, however, that nothing herein shall be deemed to prohibit the Issuer, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Indenture, the Bond Legislation or any of the Bonds.

Section 5. Sale of Project Bonds and Allocation of Purchase Price. The Executive and City Clerk are each hereby authorized and directed to offer for sale the Project Bonds to the Original Purchaser for purchase by the Original Purchaser at the price of 95% of the principal amount of the Project Bonds in accordance with the terms and provisions of this Bond Legislation and the Bond Purchase Agreement, and to make the necessary arrangements on behalf of the Issuer with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Project Bonds to the Original Purchaser. The Executive and City Clerk further are hereby authorized and directed to take all steps necessary to effect due authentication, delivery and security of the Project Bonds under the terms of this Bond Legislation and the Indenture, and it is hereby determined that the aforesaid purchase price and the interest rate for the Project Bonds and the

manner of sale, as provided in this Bond Legislation, are in the best interest of the Issuer and consistent with all legal requirements. The City Clerk shall cause to be furnished to the Original Purchaser a true transcript of proceedings had with reference to the issuance of the Project Bonds, certified by the City Clerk, along with such information from the City Clerk's records as is necessary to determine the regularity and validity of the issuance of said Bonds.

At the time of issuance, delivery of and payment for the Project Bonds, the Bond Fund Payment, plus capitalized interest, if any, shall be deposited from the purchase price for the Project Bonds into the Bond Fund.

There is hereby created by the Issuer and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee a trust fund to be designated "City of Fort Wayne - Health Care Fund Construction Fund" (herein called the "Construction Fund"). After deducting the Bond Fund Payment and capitalized interest, if any, as required by the preceding paragraph, the balance of the proceeds of the Project Bonds shall be deposited in the Construction Fund. Moneys in the Construction Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement. The Issuer covenants and agrees promptly to take whatever action, if any, is necessary in approving and ordering all such disbursements.

The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the holders of the Project Bonds, but only to the extent of their interest therein.

Section 6. Source of Payment - Bond Fund.

As provided in the Agreement, Loan Payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund. Under the provisions of the Agreement, payments with respect to the Note received by the Trustee shall be deposited into the Bond Fund for the account of the Issuer and shall constitute Loan Payments.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Health Care Fund Revenue Bond Fund" (herein called the "Bond Fund"). The Bond Fund (and accounts therein provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, all as provided herein and in the Indenture and the Agreement, provided that no part thereof (other

than any amounts paid as and for any mandatory sinking fund requirements, and except as may otherwise be provided for herein and in the Indenture or the Agreement) shall be used to redeem, prior to maturity, any Bonds.

Anything contained in the preceding paragraph to the contrary notwithstanding, moneys paid into the Bond Fund pursuant to the provisions of Section 2.10 of the Agreement relating to Project Bonds which were not outstanding on the date of a Determination of Taxability, but which were outstanding on the date of an Event of Taxability, shall be used solely for payment as follows: In the event any person who was a Bondholder at the time of an Event of Taxability shall present to the Trustee written proof satisfactory to the Trustee that he was a holder of such Project Bond at such time, but that such Project Bond matured or was redeemed prior to a Determination of Taxability, he shall be entitled to, and the Trustee shall pay to him from such moneys an amount equal to 1-1/2% of the principal amount of such Bond for each six-month period or part thereof elapsed between the date of the Event of Taxability and the date such Bond matured or was redeemed.

On or before each date when Bond service charges are due and payable, the Trustee shall transmit from moneys in the Bond Fund applicable thereto to any other Paying Agents, as appropriate, amounts sufficient to meet payments to be made by them of Bond service charges to be then due and payable; provided that to the extent that the amount needed by any other Paying Agent is not sufficiently predictable, the Trustee may make such credit arrangements with such Paying Agent so as to permit meeting such payments.

There shall be deposited into the Bond Fund (and credited, if required by the Indenture or the Agreement, to appropriate accounts therein), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Indenture or the Agreement to be deposited in the Construction Fund or any other separate insurance or condemnation proceeds account.

As and for the mandatory sinking fund requirements for the retirement, by mandatory redemption pursuant to Section 3 hereof, of the Project Bonds, the aggregate of the Loan Payments specified in Section 2.1 of the Agreement which is to be deposited in the Bond Fund on or before each Loan Payment Date (as defined in the Agreement) shall include amounts sufficient to redeem (less the amount of any credit as provided in the next following paragraph) on each corresponding Mandatory Redemption Date the principal amount of Project Bonds set opposite the appropriate year as follows:

\$430,000 Term Bonds Maturing June 1, 1998

<u>Year</u>	<u>Mandatory Sinking Fund Requirement</u>	<u>Stated Maturity</u>
1994	\$ 70,000	
1995	75,000	

<u>Year</u>	<u>Mandatory Sinking Fund Requirement</u>	<u>Stated Maturity</u>
1996	85,000	
1997	95,000	
1998		\$105,000

\$735,000 Term Bonds Maturing June 1, 2003

<u>Year</u>	<u>Mandatory Sinking Fund Requirement</u>	<u>Stated Maturity</u>
1999	\$115,000	
2000	130,000	
2001	145,000	
2002	165,000	
2003		\$180,000

For the purpose of effecting said mandatory redemption the Trustee, on behalf of the Issuer and without necessity for further action by the Issuer or the Company, shall cause to be redeemed, in the manner provided in Section 3 hereof, on each Mandatory Redemption Date such aggregate principal amount of the Project Bonds as equals the mandatory sinking fund requirements as provided for above in this Section 6 for the applicable Mandatory Redemption Date. Project Bonds called for redemption pursuant to the mandatory sinking fund redemption provisions hereof shall be called by lot in such manner as may be determined by the Trustee.

At its option, to be exercised on or before the 45th day preceding any Mandatory Redemption Date, the Issuer, or the Company on behalf of the Issuer, may (a) deliver to the Trustee for cancellation Project Bonds in any aggregate principal amount, with, if coupon Bonds, all unmatured coupons attached, or (b) receive a credit against the current mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the Issuer under the preceding paragraph for any Project Bonds which prior to such date have been redeemed (other than through the operation of the mandatory sinking fund requirements provided for in this Section) or purchased for cancellation and cancelled by the Trustee and not theretofore applied as a credit against any mandatory sinking fund requirement (and corresponding mandatory redemption obligation) under said preceding paragraph. Each Project Bond so delivered or previously redeemed or purchased for cancellation shall be credited by the Trustee at 100% of the principal amount thereof against the respective mandatory sinking fund requirement (and corresponding mandatory redemption obligation) of the Issuer on such Mandatory Redemption Date, and any excess of such amount shall be credited against future mandatory sinking fund requirements (and corresponding mandatory redemption obligations) in chronological order. The Issuer, or the Company on behalf of the Issuer, will on or before the 45th day preceding each Mandatory Redemption Date furnish the Trustee with a certificate, signed by the Fiscal Officer, or by the Authorized Company Representative (as defined in the Agreement), stating the extent to which the provisions of (a) and (b) of the first sentence of this paragraph are to be availed of with

respect to such mandatory sinking fund requirement (and corresponding mandatory redemption obligation) for such Mandatory Redemption Date; unless such certificate is so timely furnished to the Trustee, the Trustee shall not be required to reduce such requirement and obligation provided for in the preceding paragraph.

The Issuer hereby covenants and agrees that, so long as any of the Bonds are outstanding, it will deposit, or cause to be deposited, in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond service charges as the same become due and payable, and to this end the Issuer covenants and agrees that, so long as any Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement, and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholders to protect fully the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond service charges any funds or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem all of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, to take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 7. Additional Bonds. At the request of the Company, if the Company is not then in default under the Agreement, the Issuer, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act, shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for: (i) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (ii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the Project Site, or to be used in connection with other facilities located within the boundaries of the Issuer which are owned in whole or in part by the Company, or any combination thereof, or (iii) refunding the Project Bonds or any one or more series of Additional Bonds, or (iv) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall be used solely to pay permissible costs under the Act, and provided further that no Additional Bonds may be issued unless the Company shall first provide to the Trustee and the Original Purchaser a certificate by an independent certified public accountant to the effect that the gross income (defined as net income plus fixed charges) of the Company for a 12-month period ending on the calendar quarter immediately

prior to the proposed date of issuance of such Additional Bonds and for the 12-month period ended as of the same calendar quarter of the preceding year was at least one and two-tenths (1.2) times the fixed charges of the Company for such period after adjusting the fixed charges of the Company as if such Additional Bonds had been outstanding in said two 12-month periods. Such Additional Bonds shall be on a parity with the Project Bonds and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then to be outstanding, and for all Additional Payments (as defined in the Agreement) by the Company under the provisions of the Agreement and the Bond Legislation, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds. The Additional Bonds shall be issued in the aggregate principal amount, mature, be subject to redemption, and contain such other terms as are set forth in the Bond Legislation authorizing their issue.

Section 8. Covenants of Issuer. In addition to other covenants of the Issuer in this Bond Legislation and the Indenture contained, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from Pledged Receipts, pay or cause to be paid the Bond service charges on each and all Bonds on the dates, at the places and in the manner provided herein, in the applicable Bond Legislation and in the Bonds and coupons.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, the Indenture and in any and every Bond executed, authenticated and delivered under the Indenture, and in all proceedings of the Issuer pertaining to the Bonds, the Indenture or the Agreement. The Issuer warrants and covenants that it is, and upon delivery of the Project Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Project Bonds and to execute the Indenture, the Agreement and the Bond Purchase Agreement, to provide the security for payment of the Bond service charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Project Bonds and execution and delivery of the Indenture, the Agreement and the Bond Purchase Agreement have been or will be duly and effectively taken; and

that the Project Bonds and the coupons pertaining thereto in the hands of the holders thereof will be valid and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, Agreement, the Bond Purchase Agreement and Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision; and each duty of the Issuer and of its officers undertaken pursuant to such proceedings for the Bonds is established as a duty of the Issuer and of each such officer having authority to perform such duty.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture and Agreement, the Issuer will not create or suffer to be created any debt, lien or charge thereon, or make any pledge or assignment of or create any debt, lien or charge thereon, or make any pledge or assignment of or create any lien or encumbrance upon the Pledged Receipts, including the moneys in the Bond Fund and Construction Fund, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Agreement will not be recorded or filed; however the Issuer will cause the Mortgage and all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by it to secure the Bonds, to be recorded and filed in such manner and in such places and to the extent required by law in order to fully preserve and protect the security of the holders of the Bonds and the rights of the Trustee under the Indenture.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or the Pledged Receipts shall at all times be open to inspection by such accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) List of Bondholders. To the extent that such information shall be made known to the Issuer under the terms of this paragraph, the Issuer will keep or arrange to have kept on file at the corporate trust office of the Trustee a list of names and addresses of the last known holders of Bonds payable to bearer. Any Bondholder may in a writing addressed to the Issuer or Trustee request that his name and address be placed on said list, which request shall include a statement of the principal amount of Bonds held by such holder and shall identify, by number and series designation, such Bonds. Neither the Issuer nor the Trustee shall be under any responsibility with regard to the accuracy of said list. At reasonable times and under reasonable regulations established by the Trustee, said list may be inspected and copied by the Company, or by the holders (or a designated representative thereof) of 25% or more in principal amount of Bonds then outstanding, such

holding and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

(g) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholders, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement and Note, whether or not the Issuer has pursued or attempted to enforce such rights and obligations.

(h) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

(i) Arbitration Provisions. The Issuer will restrict the use of the proceeds of the Project Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Project Bonds are delivered to the Original Purchaser, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Code. The City Clerk or any other officer having responsibility with respect to the issuance of the Project Bonds, is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Legislative Authority, or any officer of the Company, and upon receipt of satisfactory indemnities, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Project Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(c), of the Code.

Section 9. Investment of Bond Fund and Construction Fund. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any orders of the Authorized Company Representative (as defined in the Agreement) with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the holder at the times and in the amounts necessary to provide moneys hereunder to pay Bond service charges as they fall due at stated maturity or by redemption or pursuant to any mandatory sinking fund requirements, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the holder at such time as may be necessary to make timely payments from said Fund. In the absence of timely direction by the Authorized Company Representative, the Trustee is authorized to make such investments as it deems in the best interests of the Company. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments

maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purpose of paying Bond service charges when due as aforesaid, and shall do so without necessity for any order on behalf of the Issuer and without restriction by reason of any such order. An investment made from moneys credited to the Bond Fund or the Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income from such investment. For purposes of the Indenture and this Bond Legislation, such investments shall be valued at face amount or market value, whichever is less. The covenant contained in Section 4.5 of the Agreement shall apply to investments of moneys in the Bond Fund and Construction Fund.

Section 10. Indenture, Agreement and Bond Purchase Agreement; Assignment of Note. In order better to secure the payment of the Bond service charges as the same shall become due and payable, the Executive and City Clerk are hereby authorized and directed to execute, acknowledge and deliver the Indenture, Agreement and Bond Purchase Agreement in substantially the forms submitted to the Issuer, and to endorse upon the Note the assignment thereof to the Trustee, which instruments are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same. The approval of such changes by said officers, and their determination that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Indenture, the Agreement and the Bond Purchase Agreement, respectively, and by endorsement of the Note, by such officers.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of said Indenture, except that this Bond Legislation may not be amended, modified or supplemented except by action of the Legislative Authority.

Section 11. Other Documents. The Executive and City Clerk are hereby further authorized and directed to execute financing statements, other assignments and any other instruments as are, in the opinion of the bond counsel to the Issuer, necessary to perfect the pledges set forth in the Indenture and to consummate the transactions provided for in the Indenture and Agreement. The Executive and City Clerk are also authorized to execute on behalf of the Issuer an Official Statement with respect to the Project Bonds, if the Original Purchaser shall so request.

Section 12. Section 103 (b) (6) (D) Election. The Issuer hereby elects to have the provisions as to the limit in Section 103 (b) (6) (D) of the Code applied to the Bonds; and the Executive and the City Clerk of the Issuer be and they are hereby authorized, empowered and directed to take any and all further action which may be required to implement and effectuate such election,

including without limitation the preparation and filing of such statement or statements or other document or documents as may be deemed by them to be necessary or advisable in order to comply with the procedure set forth in section 1.103-10(b)(2)(vi) of the Income Tax Regulations (26 CFR Part 1) under Section 103 of the Code.

Section 13. Designation of Trustee. Anthony Wayne Bank, Fort Wayne, Indiana, is hereby designated Trustee under the Indenture. The Issuer hereby recognizes, agrees to and approves the deposit of the proceeds of the Bonds with the Trustee under the Indenture which amount shall be held and applied by said Trustee in accordance with the provisions of this Bond Legislation and the Indenture. The Executive and the City Clerk of the Issuer are hereby authorized to direct the Trustee to authenticate and deliver the Bonds.

Section 14. Compliance with Public Hearing and Approval Requirements. It is hereby found and determined that all formal actions of this Legislative Authority and of the Commission concerning and relating to the passage of this Bond Legislation were taken in a public session of this Legislative Authority or the Commission, and that all deliberations of this Legislative Authority, the Commission and of their committees, if any, that resulted in such formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Indiana Code 36-7-12-24 and Section 103 (k) of the Code.

Section 15. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Mark E. GiaQuinta
COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Eight

Bradbury, Burns, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

ABSTAINED: One

Eisbart

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-99-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-05

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE amending the 1983 Salary
Ordinance for the Civil City and City
Utilities of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 3 of the 1983 Salary Ordinance for the Civil City and City Utilitites of the City of Fort Wayne, Indiana, Special Ordinance No. S-128-82 is hereby amended by adding thereto the position of Administrative Systems Analyst, Labor Grade 16.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

Date: 6-14-83

Sandra E. Kennedy
City Clerk

BILL NO. S-83-05-15

SPECIAL ORDINANCE NO. S-100-83

AN ORDINANCE approving City Utilities Purchase Order #A-32103 by the City of Fort Wayne by and through its Department of Purchasing and MacDonald Machinery Company, Inc. for the Water Maintenance & Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-32103, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and MacDonald Machinery Company, Inc. for the Water Maintenance & Service Department, respectfully for:

the awarding of the bids with respect to the purchase of three (3) air compressors for the Water Maintenance & Service Department of the City of Fort Wayne, Indiana;

involving a total cost of Twenty-Six Thousand Eight Hundred Fifty and No/100 Dollars (\$26,850.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. Prior Approval was given by Council on May 10, 1983.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-100-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-18

SPECIAL ORDINANCE NO. S-101-83

AN ORDINANCE approving City Utilities
Purchase Order #A-32160 by the City
of Fort Wayne by and through its Department
of Purchasing and Woodward's Tire Sales
& Services, Inc., for the City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A32160, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Woodward's Tire sales & Services, Inc. for the City Utilities Garage, respectfully for:

approving the awarding of the bid with respect to the purchase of tires and tubes for the City Utilities Garage of the City of Fort Wayne, Indiana;

involving a total cost of Forty Thousand and No/100 Dollars (\$40,000.00) all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-101-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-36

SPECIAL ORDINANCE NO. S-103-83

SPECIAL ORDINANCE approving City Utilities
Purchase Order #A-32124 by the City of Fort
Wayne by and through its Department
of Purchasing and Eaglebrook Environmental
c/o By-Products Management, Inc., for the
Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That City Utilities Purchase Order #A32124, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing and Eaglebrook Environmental c/o By-Products Management, Inc. for the Water Pollution Control Plant, respectfully for:

approving the awarding of the contract with respect to the purchase of liquid ferrous sulfate for the Water Pollution Control Plant of the City of Fort Wayne, Indiana;

involving a total cost of One Hundred Thousand and No/100 Dollars (\$100,000.00) all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-103-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

Bill No. 13-05-31

AMENDED SPECIAL ORDINANCE NO. 5-102-83

AN AMENDED SPECIAL ORDINANCE AUTHORIZING THE ISSUANCE OF \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT FIRST MORTGAGE COLLATERALIZED REVENUE BONDS, (AWB REALTY CORP. PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO AWB REALTY CORP. TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapter 12, is authorized and empowered among other things (a) to make a loan for the acquisition, construction and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$5,000,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapter 12;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACQUISITION FUND" means the fund created by Section 7 hereof.

"ACT" means Indiana Code, Title 36, Article 7, Chapter 12 and amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of May 15, 1983 between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BONDS" means the Bonds authorized in Section 3 hereof, including any Bond issued in exchange therefor as provided in the Indenture.

"BOND FUND" means the Bond principal, premium and interest fund created by Section 8 hereof.

"BONDHOLDER" or "HOLDER" means, initially, the Underwriter, and any subsequent bearer of a coupon Bond which is not registered as to principal or the principal of which is registered to bearer.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of May 15, 1983 among the Issuer, the Company and the Underwriter, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means AWB Realty Corp., an Indiana corporation, and its successors and assigns, including any surviving, resulting or transferee entity as provided in Section 5.14 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"COUPON" or "INTEREST COUPON" means a coupon issued hereunder evidencing an installment of interest on a coupon Bond.

"COUPON BOND REGISTERED AS TO PRINCIPAL" means any coupon Bond at the time registered as to principal in the name of the Bondholder.

"DETERMINATION OF TAXABILITY" means a decision by any court of competent jurisdiction, or a notice of deficiency or other action by the Internal Revenue Service, to the effect that there has been an Event of Taxability; provided, however, that the effect of a Determination of Taxability shall be suspended if within 45 calendar days after notice thereof the Company, either in its own name or in the name of the holder of any Bond, shall appeal such decision or contest such notice or action by appropriate proceedings, until such appeal or contest is abandoned by or finally resolved against the Company, but only further if (a) prior to instituting such appeal or contest, the Company shall (i) deliver to the Trustee a written opinion of a firm of attorneys with nationally recognized experience in matters relating to the issuance of obligations by states and their political subdivisions and approved by the Trustee for this purpose, to the effect that the Company has a meritorious basis for such appeal or contest, and (ii) deposit with the Trustee funds sufficient to pay all of the premiums which would become payable under Section 4 of the Bond Legislation if such appeal or contest were to be abandoned by or finally resolved against the Company 12 months after being instituted, (b) the Company shall pursue such appeal or contest in good faith and with due diligence, and (c) prior to the expiration of each 12 month period after such appeal or contest is instituted, the Company shall (i) deliver to the Trustee a written continuation of the opinion delivered pursuant to clause (a) (i) above, and (ii) deposit with the Trustee additional funds sufficient to pay all the premiums which would become payable under Section 4 of the Bond Legislation if such appeal or contest were to be abandoned by

or finally resolved against the Company 12 months after the expiration of such 12 month period.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) bank repurchase agreements issued by a Federal Reserve member bank, including the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above; (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (x) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means an event or circumstance resulting in interest on any Bond being includable in the gross income of the holder or any prior holder thereof for Federal income tax purposes for any reason other than that the Bond is or was held by a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Internal Revenue Code of 1954, as amended.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means November 15, 1998.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"GUARANTY AND PLEDGE AGREEMENT" means the Guaranty and Pledge Agreement dated as of May 15, 1983 between Anthony Wayne Bank, Fort Wayne, Indiana, as Guarantor, and the Trustee, whereby said Guarantor has unconditionally guaranteed to the Trustee payment of the principal, premium, if any, and interest on the Bonds in accordance with the terms thereof, and has pledged certain assets more particularly described therein to secure performance by said Guarantor on its said Guaranty.

"INDENTURE" means the Trust Indenture dated as of May 15, 1983, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each May and November, commencing November 15, 1983 and continuing semi-annually thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the prime rate of interest of Indiana National Bank, Indianapolis, Indiana, as determined from time to time, plus two (2) percentage points; provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Council to the Economic Development Commission.

"MANDATORY SINKING FUND REQUIREMENTS" means amounts required by the Bond Legislation to be deposited in the Bond Fund for the purpose of retiring, on a specified date, principal maturities of Bonds which by their terms are due and payable, if not called for prior redemption, at a subsequent date.

"MORTGAGE" means the Mortgage and Security Agreement dated as of May 15, 1983, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL PRINCIPAL SUM" means \$6,000,000, the aggregate original face amount of the Bonds.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for the payment, redemption or purchase for cancellation of which sufficient moneys have been deposited prior to such date with the Trustee (whether upon or prior to the Final Maturity Date or the redemption date of any such Bond), or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture:

and also except that

(d) For the purpose of determining whether the holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities

having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERIOD OF TAXABILITY" means the period beginning on the effective date of an Event of Taxability applicable to any Bond and ending on the date of payment on maturity or redemption before maturity thereof.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEDGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement, the Note, the Mortgage, the Guaranty and the Lease, or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Acquisition Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Acquisition Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"REGISTERED BONDS" means Bonds registered in the name of the holder, including coupon Bonds registered as to principal (except to bearer).

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally The Indiana National Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

"UNDERWRITER" means Summers & Company, Inc., Fort Wayne, Indiana.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner,

at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. Determination of Issuing Authority. Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. Authorization of Bonds. It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$6,000,000 for the purpose of financing costs of acquiring, constructing and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development First Mortgage Collateralized Revenue Bonds, (AWB Realty Corp. Project)".

Section 4. Terms of Bonds. The Bonds shall initially be issued in coupon, shall be numbered from 1 upwards, and shall be in substantially the form set forth therefor in the Indenture.

Bonds in coupon form shall be in the denomination of \$5,000 each, shall be registrable as to principal, and shall be dated as of May 15, 1983.

The Bonds being delivered to the Underwriter, maturing on the 15th day of November in the years 1984 through 1994, inclusive, shall be in the principal amounts and shall bear interest per annum from their respective dates in accordance with the following table:

Principal Maturity Year	Amount Maturing November 15	Annual Interest Rate
1984	\$200,000	6.00%
1985	200,000	6.50%
1986	250,000	7.00%
1987	275,000	7.50%
1988	300,000	8.00%
1989	325,000	8.25%
1990	350,000	8.50%
1991	400,000	8.75%
1992	400,000	9.00%
1993	450,000	9.10%
1994	500,000	9.20%

The Bonds being delivered to the Underwriter, maturing November 15, 1998 and aggregating \$2,350,000 in principal amount, shall bear interest from their respective dates at a fixed rate of nine and one-half percent (9.50%) per annum. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 1983. Upon any transfer and surrender of any Bond in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond in exchange therefor as provided in the Indenture.

The Bonds maturing November 15, 1998, are subject to mandatory sinking fund redemption, by lot, without action by the Issuer, on November 15, 1995, and on each November 15 thereafter to and including November 15, 1998, in the following principal amounts, at 100% of the principal amount thereof, plus accrued interest to the redemption date.

November 15, 1995	\$500,000
November 15, 1996	550,000
November 15, 1997	625,000
November 15, 1998	675,000

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on May 15, 1993, or at any time thereafter, in the event of exercise by the Company of its option to prepay the Note in full or in part as provided by the first paragraph of Section 6.1 of the Loan Agreement in the inverse order of their maturities (less than all of the Bonds of a single maturity to be selected by lot in such manner as may be designated by the Trustee), at the times and at the redemption prices (expressed as a percentage of the principal amount of the Bonds being redeemed) plus accrued interest to the redemption date as set forth below:

May 15, 1993 to May 14, 1994	103%
May 15, 1994 to May 14, 1995	102%
May 15, 1995 to May 14, 1996	101%
May 15, 1996 to May 14, 1997	100%

The Bonds are also subject to optional redemption, in whole or in part, by lot, in the event of the exercise by the Company of its options to prepay the Note in whole or in part as provided by the fourth paragraph of Section 6.1 of the Loan Agreement, at a redemption price of 100% of principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 6.1.

The Bonds shall also be redeemed prior to maturity, as a whole, upon occurrence of any of the circumstances which operate to require prepayment of the Note by the Company in accordance with the provisions of Section 6.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in accordance with the provisions of the Loan Agreement. The redemption price in any of such events, except a Determination of Taxability, shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date.

For the purposes of the Indenture, a Determination of Taxability shall be deemed conclusively to have established that there has been an Event of Taxability and the effective date and cause(s) thereof. Within 45 calendar days after a Determination of Taxability, each Bond subject to an Event of Taxability and not previously paid on maturity or redeemed before maturity (whether or not provision for payment thereof has been made pursuant to any other Section of the Indenture) shall be redeemed at a redemption price equal to the amount of unpaid principal thereof plus unpaid interest accrued thereon to the date of redemption, and with respect to each Bond subject to any Event of Taxability (whether or not previously paid on maturity or redeemed before maturity, and whether or not provision for payment thereof has been made pursuant to any other section of the Indenture) a premium shall be paid in an amount determined as follows: (a) an amount equal to all interest accrued thereon during the Period of Taxability (as that term is defined in the Indenture), if no Event of Taxability was caused (in whole or in part) by any act or omission of the Company; or (b) an amount equal to the sum of (y) 100% of one year's interest on the amount of unpaid principal thereof at the beginning of the Period of

Taxability (whether or not the amount of unpaid principal thereof is subsequently reduced) for each 12 month period (or portion thereof) which elapses during the Period of Taxability plus (z) 8% of the unpaid principal amount at the beginning of the Period of Taxability, if any Event of Taxability was caused (in whole or in part) (i) by any act or omission of the Company, or (ii) (whether or not by any act or omission of the Company) by any dollar limitation on the small issue exemption contained in Section 103(b)(6) of the Internal Revenue Code of 1954, as amended, having been exceeded. Such premium shall be paid to the Trustee for the account of each holder who held such Bond at any time during the Period of Taxability, in proportion to the length of their respective holding periods during the Period of Taxability. Notwithstanding any other provision contained in the Indenture or in the Loan Agreement, the provisions of this paragraph shall survive any payment or redemption of any Bond or of the Note, and any expiration or discharge or other termination of the Indenture or of the Loan Agreement.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall constitute the direction of the Issuer to the Trustee to call some or all, as the case may be, of the then outstanding Bonds, and no separate notice from the Issuer to the Trustee shall be required.

When less than the entire unmatured portion of the Bonds shall be called for redemption at any time or from time to time, the selection of such Bonds to be called shall be made in the inverse order of maturities, and by lot within maturities, by the Trustee in such manner as the Trustee may determine.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds (in amounts of \$5,000 or any multiple thereof) or portions of fully registered Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by at least two publications in a newspaper or financial journal of general circulation published in Indianapolis, Indiana and Fort Wayne, Indiana, the first such publication to be not more than sixty nor less than thirty days prior to the redemption date, and, in the case of the redemption of Bonds at the time in the form of registered Bonds, by mailing a copy of the redemption notice by first class mail not more than sixty nor less than thirty days prior to the date fixed for redemption to the registered owner of each such registered Bond to be redeemed at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice by mailing, or any defect in such notice, shall not affect the validity of any proceedings for the redemption of the Bonds. If, because of the temporary or permanent suspension of the publication or general circulation of the appropriate newspapers or financial journals or for any other reason, it is impossible or impractical to publish such notice of call for redemption in the manner herein provided, then such publication in lieu thereof as shall be made with the approval of the Trustee shall constitute a sufficient publication of notice. If all of the Bonds to be redeemed are at the time in the form of registered Bonds, notice of the call for redemption may be given by mailing a copy of the redemption notice by registered or certified mail at least thirty days prior to the date fixed for redemption to the holder or holders thereof at the address shown on the registration books kept by the Trustee and newspaper or financial journal publication of the notice of the call for redemption need not be given; provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The holder or holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such holder or holders to be so redeemed.

Bond Service Charges on Bonds in coupon form, other than principal of or any redemption premium on such Bonds registered as to principal (except to bearer), shall be payable, without deduction for services as paying agent, at the corporate trust office of the Trustee.

All Bond Service Charges on registered Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee; provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as coupon Bonds registrable as to principal only, all as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

If Bonds are duly called for redemption and if on such redemption date moneys for the redemption of all the Bonds to be redeemed, together with accrued interest to the redemption date, shall be held by the Trustee so as to be available therefor, then from and after such redemption date such Bonds shall cease to bear interest and any coupons for interest thereon maturing subsequent to the redemption date shall be void.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

Section 5. Security for the Bonds. As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Guaranty and Pledge Agreement and the Indenture. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

Section 6. Sale of Bonds. The Bonds are hereby sold and awarded to the Underwriter, in accordance with its offer therefor in the Bond Purchase Agreement, at a net purchase price of \$5,882,300, plus accrued interest from the date of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Underwriter to establish the date, location, procedure and conditions for the delivery of the Bonds to the Underwriter, and to take all steps necessary to effect due execution, authentication and delivery to the Underwriter of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and

the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

Section 7. Allocation of Proceeds of Bond - Acquisition Fund. There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the Issuer to be designated "City of Fort Wayne - AWB Realty Corp. Acquisition Fund". All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Acquisition Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Acquisition Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

Section 8. Source of Payment - Bond Fund. As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - AWB Realty Corp. Bond Fund". Subject to the provisions of the Mortgage, the Bond Fund and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement.

Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts. The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholders to fully protect the rights and security of the Bondholders hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Acquisition Fund or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 9. Covenants of Issuer. In addition to other covenants of the Issuer in the Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, and required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, and to execute and deliver the Official Statement, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds, the delivery of the Official Statement and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Acquisition Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 5.11 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer thereunder, including actions at law and in equity, as may be appropriate.

(g) List of Bondholders. To the extent that such information shall be made known to the Issuer under the terms of this paragraph, the Issuer will keep or arrange to

have kept on file at the corporate trust office of the Trustee a list of names and addresses of the last known holders of Bonds payable to bearer. Any Bondholder may in a writing addressed to the Issuer or Trustee request that his name and address be placed on said list, which request shall include a statement of the principal amount of Bonds held by such holder and shall identify, by number and series designation, such Bonds. Neither the Issuer nor the Trustee shall be under any responsibility with regard to the accuracy of said list. At reasonable times and under reasonable regulations established by the Trustee, said list may be inspected and copied by the Company, or by the holders (or a designated representative thereof) of twenty-five percent or more in principal amount of Bonds then outstanding, such holding and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.

(h) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholders, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(i) Arbitration Provisions. The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Underwriter, so that they will not constitute arbitration bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 10. Investment of Bond Fund and Acquisition Fund Money. Moneys in the Bond Fund and the Acquisition Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of the Authorized Company Representative with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Acquisition Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Acquisition Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

Section 11. Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment. In order to issue and deliver the Bonds and to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Agreement, the Bond Purchase Agreement, the Indenture, the Official Statement and the assignment of the Note, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.

The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 12. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-102-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. R-83-05-35

RESOLUTION NO. R-33-83

A RESOLUTION FINDING, DETERMINING
 AND RATIFYING AN INDUCEMENT RESOLUTION
 OF THE FORT WAYNE ECONOMIC DEVELOPMENT
 COMMISSION AUTHORIZING THE ISSUANCE AND
 SALE OF \$7,500,000.00 ECONOMIC REVENUE BONDS OF
 THE CITY OF FORT WAYNE, INDIANA,
 FOR THE PURPOSE OF INDUCING THE APPLICANT,
 HEALTH QUEST REALTY X, HEALTH QUEST
 CORPORATION AND/OR REGENCY PLACE
 CORPORATION TO PROCEED WITH THE
 ACQUISITION CONSTRUCTION AND EQUIPPING OF
 THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Health Quest Realty X, Health Quest Corporation and/or Regency Place Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of approximately 11.73 acres of land and construction of a one-story frame nursing home with 150 beds together with a third wing consisting of 60 residential-care suites, it being understood that said suites may or may not be included, to be located on the west side of Maplecrest Road, just north of State Route 37, Fort Wayne, Indiana, including the costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in 110 job to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$7,500,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceed of such financing to the Applicant for the same purposes.

Mark E. GiaQuinta
 Councilman

Read the third time in full and on motion by GiaQuinta, seconded by stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-33-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-22

SPECIAL ORDINANCE NO. S-104-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works and
Yoder & Yoder Concrete Contractor's
for Resolution No. 5966-83, HANNA-
CREIGHTON VII, Curb and Sidewalk Improvement

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Yoder & Yoder Concrete Contractors, for Res. No. 5966-83, HANNA-CREIGHTON VII, Curb & Sidewalk Improvement, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

improvements of curbs & sidewalks where needed within the limits of the following streets: HANNA-CREIGHTON VII (1): BOWSER: from

Creighton to Pontiac: HOLTON: From

Creighton to Pontiac: ALTERNATE I - WOODBINE - From Bowser to

Holton; ALTERNATE II - REED - From Pontiac

Creighton; OXFORD VIII (1): BOWSER - From Pontiac

to McKee; HOLTON - From Pontiac to

McKee; OLIVER - From Pontiac to McKee; ALTERNATE III - COLERICK - From Gay to Smith;

the Contract price is One Hundred Fifty-Four Thousand Two Hundred Sixty-One and 40/100 Dollars (\$154,261.40).

SECTION 2. Prior approval was received from Council with respect to this Contract on March 21, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Brdbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-104-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-23

SPECIAL ORDINANCE NO. S-105-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and Brooks Construction Co., Inc.,
for Improvement Resolution 5968-83

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Brooks Construction Co., Inc., for Improvement Resolution 5968-83, is hereby ratified and affirmed and approved in all respect. The work under said Contract requires:

Improvement Resolution No. 5968-83 is for resurfacing and restoring pavement as designated on the following streets to be known as: 1. EASTWICK DR. from the east pavement line of Reed Rd. to the west curb line of Preston Dr. 2. LASALLE ST. - from the east curb line of Lafayette St. to the west curb line of Hanna St. 3. MASTERSON AVE. from the east curb line of Lafayette St. to the west curb line of Hanna St. 4. MONROE ST. - from the north curb line of LaSalle St. to the north property line of Wallace St. 5. CLAY STREET - from the north property line of Wallace Street to the north curb line of LaSalle St. 6. CREIGHTON AVE. - from the west curb line of Lafayette St. to the west property line of Harrison Street. 7. NORTH-CREST DRIVE - from the north curb line of Warwick Ave. to the east curb line of Cart-mouth Drive. 8. SHERBORNE BLVD. - from the north curb line of State Blvd. to the south curb line of Vance Ave. 9. WAYNE TRACE - from the east curb line of Anthony Blvd. to the south curb line of New Haven Ave;

the Contract price is Two Hundred Thirty-Seven Thousand Four Hundred Fifty-Eight and No/100 Dollars (\$237,458.00).

SECTION 2. Prior approval was received from Council with respect to this Contract on March 21, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-105-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-24

SPECIAL ORDINANCE NO. S-106-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and Land Excavating, Inc., for Resolution No. 387-83, Michigan Avenue Storm Sewer, Phase I.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Land Excavating, Inc., for Res. No. 387-83, Michigan Avenue Storm Sewer, Phase I, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

construction of a main sewer, which from its size and character is not only intended and adapted for use by property holders whose property abuts along the line of said sewer, but is also intended and adapted for receiving drainage from collateral drains already constructed or which hereafter may be constructed; across the north half of the southeast quarter of Section 10, Township 30 North Range 12 East bounded on the north by the south right of way line of Taylor Street, bounded on the east by the west right of way line of Broadway, bounded on the southeast by the north right of way line of Guthrie Street; and the south right of way line of Hale Ave.;

the contract price is Three Hundred Forty-One Thousand Three Hundred Sixty-Eight and 90/100 Dollars (\$341,368.90).

SECTION 2. Prior approval was received from Council with respect to this Contract on April 26, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarioc

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-106-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-25

SPECIAL ORDINANCE NO. S-107-83

AN ORDINANCE approving a contract by the City of Fort Wayne by and through its Board of Public Works and N.G. Gilbert Company, for Res. No. 169-83 Hamilton Park N.S.A. St. Lighting

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and N.G. Gilbert Company, for Res. No. 169-83 Hamilton Park N.S.A. St. Lighting, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

Street Lighting Res. No. 169-83, HAMILTON PARK, N.S.A., more specifically defined as High St. from St. Mary's Ave. to Sherman Blvd., Oakland St. from Third St. to High, Third St. from Sherman Blvd. to St. Mary's;

the Contract price is Eight Thousand Eight Hundred Fifty-Five and No/100 Dollars (\$8,855.00).

SECTION 2. Prior approval was received from Council with respect to this Contract on April 26, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-107-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-26

SPECIAL ORDINANCE NO. S-108-83

AN ORDINANCE approving a contract
by the City of Fort Wayne by and
through its Board of Public Works
and T & F Const. Co. of Indiana, for
Street Lighting Res. 170-83, Hoagland-
Masterson, N.S.A.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and T & F Const. Co. of Indiana, for Street Lighting for Res. 170-83, Hoagland-Masterson, N.S.A., is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

for Street Lighting Res. 170-83, HOAGLAND-MASTERSON, N.S.A., more specifically defined as Melita Street from Bass St. to 200 ft. east, Bass St. from Fairfield Ave. to Hoagland Ave., Prince Street from Bass Street to its southern terminus, Hoagland Ave. from Melita St. to Masterson Avae., Masterson Avenue from Fairfield Ave. to Hoagland Ave.;

the Contract price is Twelve Thousand Four Hundred Twenty-Five and No/100 Dollars (\$12,425.00).

SECTION 2. Prior approval was received from Council with respect to this Contract on April 26, 1983. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-108-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-27

SPECIAL ORDINANCE NO. S-109-83

AN ORDINANCE approving Change Order No. 29, WPC Plant Div. 1, C180538 01, with Hagerman-Shambaugh, Joint Bidders in connection with the Board of Public Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 29, WPC Plant Div. 1-C180538 01, with Hagerman-Shambaugh, Joint Bidders, in connection with the Board of Public Works, for:

Change Order No. 29, WPC Plant Div. 1, C180538 01 for time change. The 63 day extension of time is computed as follows: 23 days due to electrical workers' strike from June 14 to July 6, 1982. 40 days due to adverse weather conditions and flooding from January 11, to April 19, 1982, prohibiting field commissioning of the regulator and lift station panels. This would change contract completion date from March 25, 1983 to May 27, 1983;

no money is involved; all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-109-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-28

SPECIAL ORDINANCE NO. S-110-83

AN ORDINANCE approving Change Order
No. 1 and FINAL, Res. 326-80, Project
No. C-180599-07, Rehabilitation of
Sewers SSES Subsystem AS, with Bercot,
Inc., in connection with the Board of Public
Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That Change Order No. 1 and FINAL, Res. 326-80, Project No. C180599-07, Rehabilitation of Sewers SSES Subsystem AS, with Bercot, Inc., in connection with the Board of Public Works, for:

close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease of Fifty-Three Thousand Three Hundred Fifty and 72/100 Dollars (\$53,350.72), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-110-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-29

SPECIAL ORDINANCE NO. S-111-83

AN ORDINANCE approving Change Order
No. 1 and FINAL, Res. 321-80, Project
No. C-180599-06, ReHab - Sub
Systems BS, CS, NS, OS, with T-G
Excavating, Inc., in connection
with the Board of Public Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That Change Order No. 1 and FINAL, Res. 321-80, Project No. C-180599-06, ReHab -
Sub Systems BS, CS, NS, OS, with T-G Excavating, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities of the contract unit price to agree
with actual quantities installed under this project;

involving a net decrease in the amount of Five Thousand Seven Hundred Sixteen and
54/100 Dollars (\$5,716.54) all as more particularly set forth in the specifications, and which
is on file with the Office of the Board of Public Works, and is by reference incorporated herein,
made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any
and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted,
placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special
Ordinance No. S-111-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-30

SPECIAL ORDINANCE NO. S-112-83

AN ORDINANCE approving Change Order
No. 1 and FINAL, Res. 340-80, Project
#C-180599-08, Rehabilitation of Sewer,
SSES Subsystems LS, MS, PS, QS, RS,
SS, TS, with Bercot, Inc., in connection
with the Board of Public Works

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and FINAL, Res. 340-80, Project #C-180599-08, Rehabilitation of Sewer SSES Subsystems LS, MS, PS, QS, RS, SS, TS, with Bercot, Inc., in connection with the Board of Public Works, for:

a close out change order to adjust the estimated quantities in the contract unit price to agree with actual quantities installed under this project;

involving a net decrease in the amount of Fifty-Two Thousand One Hundred Ten and 34/100 Dollars (\$52,110.34), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Victure L. Scruggs
Councilman

Read the third time in full and on motion by Scruggs, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-112-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. S-83-05-16

SPECIAL ORDINANCE NO. S-113-83

AN ORDINANCE approving Civil City
Purchase Order #A-26255 by the City
of Fort Wayne by and through its
Department of Purchasing with
Indiana Fire Prevention Company for
the Fire Department

WHEREAS, according to national and local Fire Department statutes, senior citizens suffer, as a group, from fires and fire related matters more than any other group, excepting small children; and

WHEREAS, senior citizens, as a group, are very vulnerable to fire caused and/or related deaths in that many senior citizens live in older homes and/or have physical limitations limiting the ability to escape from homes; and

WHEREAS, the City, following the examples established by many other communities around this country, recognizes the need to develop programs to combat such problems; and

WHEREAS, the City is willing to make available to senior citizens smoke detectors at a nominal

charge; and

WHEREAS, the purchase of the smoke detectors, as herein indicated, would allow for the purchase of smoke detectors by senior citizens of this community at a nominal and affordable cost.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-26255, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing and the Indiana Fire Prevention Company for the Fire Department, respectfully for:

approving the awarding of the bid with respect to the purchase of Four Thousand Five Hundred (4,500) smoke detectors for the Fire Department of the City of Fort Wayne, Indiana;

involving an approximate total cost of Thirty-Five Thousand Two Hundred Eighty and No/100 Dollars (\$35,280.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta
Councilman

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Six
Bradbury, Eisbart, GiaQuinta, Scruggs, Stier, Talarico
NAYS: Two
Schmidt, Schomburg
ABSTAINED: One
Burns

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-113-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

BILL NO. G-83-05-33

GENERAL ORDINANCE NO. G--17-83

AN ORDINANCE further defining the
Home Rule powers of the City of Fort
Wayne, Indiana

WHEREAS, this Council previously passed a Home Rule Ordinance noted as General Ordinance Number G-23-83, as amended;

WHEREAS, under said Ordinance the City stated its intentions to possess and utilize all powers as granted to it by Title 36 of the Indiana Code;

WHEREAS, Section 6 of the Home Rule Ordinance states that the City would enact, from time to time, additional ordinances refining various procedures of City government;

WHEREAS, this Ordinance is not intended by way of limitations but rather is an ordinance intended to clarify procedures of the City of Fort Wayne, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne, Indiana, is hereby given full and complete authority to make any and all investments of public funds, as allowed by law. In that regard the City Controller is authorized, as provided by State statute, to manage all City funds and to make investments hereof, as deemed necessary pursuant to all applicable law.

SECTION 2. That this Ordinance is not intended nor is it enacted to suggest that the City has not had investment powers but rather this Ordinance is an "updated" local codification of such powers and is passed pursuant to I.C. 5-13-1 et seq.

SECTION 3. The City hereby reaffirms its vacation and paid sick time policies, as contained in the City's Policy Manual, Numbers 6.5 and 6.6 thereof. Provided, however, and notwithstanding anything in the Policy Manual to the contrary, accrued (but not used) vacation time shall not be "cashed out" prior to termination of an employee. Furthermore, pay will not be given to an employee (except in the case of termination) in lieu of taking a vacation.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. Passed by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt, Schomburg, Scruggs, Stier, Talarico

NAYS: None

Date: 6-14-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-83 on the 14th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of June, 1983, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor



